Ombudsman Manitoba

Twenty-Second Annual Report of the

OMBUDSMAN

For the period
January 1st, 1991 –
December 31st, 1991

Presented to the Legislature pursuant to Section 42 of The Ombudsman Act

Ombudsman Manitoba

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The Honourable Denis Rocan
Speaker of the Legislative Assembly
Province of Manitoba

Dear Mr. Speaker:

In accordance with Section 42 of *The Ombudsman Act*, I am pleased to submit the twenty-second Annual Report of the Ombudsman, covering the calendar year January 1, 1991 to December 31, 1991.

As an Officer of the Legislature I would be prepared, and pleased, to appear before the Assembly should the members wish clarification of, or amplification upon, any of the information contained in this report.

Yours very truly,

Gordon S. Earle

GORDON S. EARLE
OMBUDSMAN

93-02462/

Errata*

1991 Highlights

- **Formal complaints up 14%; Informal caseload up 10%; Overall workload increased by 10% (page 9*)**
- **Ombudsman ensures that minors, who are patients of mental health facilities, will have similar access to due process and administrative review as do adult patients (page 10*)**
- **Fair procedures established for abuse investigations involving children with disabilities or developmental delays (page 12*)**
- **Ombudsman presents Minister of Family Services with twenty-two recommendations concerning the operation of the Seven Oaks Youth Centre (page 14*)**
- **Complaints to Ombudsman prompts review of one correctional institution's policy regarding inmates' access to a doctor (page 17*)**
- **Ombudsman's inquiry results in correctional institution establishing new accounting procedures for personal accounts of inmates (page 17*)**
- **Action taken by Justice Department to resolve problems associated with the housing of intermittent residents at the Remand Centre (page 18*)**
- **Ombudsman's review leads Adult Correctional Services to formulate a specific policy on the isolation (or segregation) of inmates in correctional facilities (page 18)**
- **Ombudsman reviews mental health centre's policies and practices regarding complaints of sexual abuse (page 20*)**
- **Complaints received prompts Ombudsman to monitor Justice Department's evaluation of Maintenance Enforcement Program (page 23)**

- **City of Winnipeg will likely appoint the first municipal Ombudsman in Canada (page 24*)**
- **Manitoba Ombudsman is guest speaker at International Congress in Mexico City (page 25*)**
- **Winnipeg host national Ombudsman Conference (page 26*)**
- **Meeting with Minister of Agriculture results in acceptance of Ombudsman's recommendation (page 43*)**
- **Highways and Transportation Department revises its policy of releasing names and addresses from vehicle registration/driver licencing files (page 47*)**
- **Meeting with Housing Minister results in payment to resolve security deposit dispute (page 49)**
- **Public Trustee makes payment as restitution to complainant (page 52*)**
- **Ombudsman emphasizes importance of individuals being advised of their rights of appeal (page 53 and page 58*)**
- **Justice Department undertakes review of judicial accountability for hearing officers of Small Claims Court (page 58)**
- **Natural Resources Department issues letter of apology for inappropriate statements made in correspondence (page 59*)**
- **Ombudsman's criticism of improper use of confidential report assists in resolution of autopac complaint (page 60)**
- **At Ombudsman's urging, Manitoba Public Insurance Corporation's policy of defending an insured in Small Claims Court action is amended to allow for fairness and equity for all parties (page 61*)**
- **Manitoba Public Insurance Corporation extends benefit of doubt and honors autopac claim (page 63*)**

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Entering the Third Decade

During 1991, as we moved forward into the third decade of Ombudsman service in Manitoba, the vision of the Ombudsman's mandate remained clear and in focus. While many of the issues dealt with during the year were complex and either controversial or potentially controversial, our approach was consistently non-controversial, non-adversarial but rather impartial, objective and fair to all parties involved in the complaints received by our office. The fairness of the Ombudsman's office, I believe, was illustrated by the fact that the Ombudsman's decisions, although not always popular, were usually respected and accepted by those involved in a complaint. As well the ever increasing use of the office by the public as a mechanism to resolve complaints is in itself a testimony to the effectiveness of the Ombudsman concept in today's democracy.

It is perhaps significant to note that the increased use of the office in 1991 resulted in 857 formal complaints and 2,857 informal inquiries as compared to the 753 formal complaints and 2,609 informal inquiries received the previous year. The formal caseload was up by 14% or 104 cases; the informal caseload was up by 10% or 248 cases; and the overall workload was up by 10% or 352 cases.

During 1991 we closed out 75% of the cases received. In addition we concluded 73% of the workload carried over from 1990. Thus at the end of 1991 we were left with 24% (206 cases) of the 1991 caseload and 27% (74 cases) of the workload from previous years, to give a total of 280 cases carried over into 1992.

It may be interesting to note that at the end of 1989 we carried over 282 cases, 1990 we carried over 272, and at the end of 1991 we carried over 280 cases. I believe that an additional investigator position or two would go a long way toward reducing the number of cases that are carried over from year to year. In my budget submission for the fiscal year 1991-92 I submitted a request for an additional staff position but unfortunately that request was not granted. I was granted, however additional funds to my budget for the purpose of upgrading our computer equipment which certainly will assist in improved efficiency within our office. However, I am doubtful that the updated computer equipment will make any dent in the yearly backlog of cases. What is required for that purpose is additional investigator positions, and I shall continue to pursue that goal in upcoming budget submissions. In the meantime my hat goes off once again to the loyal and dedicated staff of my office who have assisted me and served the public faithfully during the year. Many thanks to:

Barry E. Tuckett	Deputy Ombudsman
Donna M. Drever	Investigator (Child & Adolescent Services)
Robert W. Gates	Investigator
E. Joy Goertzen	Investigator
Jack Mercredi	Investigator (Temporary)
Gail P. Perry	Investigator
Kris Ramchandar	Investigator
Cheryl Ritlbauer	Investigator
Aurele Teffaine	Investigator
Johanne B. Cayer	Intake Officer
Laura Foster	Office Manager
Helen Hicks	Secretary
Felicia C. Palmer	Secretary
Christine W. Knight	Secretary (Temporary)

Child and Adolescent Services

In my 1990 Annual Report, I commented on some broad systems issues we had been following, which had the potential to affect a large number of children and families. The question of financial assistance for teens, and the question of the rights of youth admitted to the Brandon Mental Health Centre were still outstanding at the time of our last report as we were awaiting additional information from the Departments involved regarding their positions on these matters. The following is an update on those situations as well as some other matters with which we were involved.

Financial Assistance for Teens

Since 1988 I have been commenting in my annual reports on the concern relating to the supports available to older teenagers who may be living independently in the community because they cannot, or will not, return home and have no visible means of financial support. My concerns in this area had been brought to the attention of the Department of Family Services.

To summarize, our concern has been that these teenagers may not be considered to fall under the responsibility of a child and family services agency if there are no specific child welfare or protection concerns identified requiring that they be taken into care; neither do they qualify for social assistance due to their age. We believe that, for various reasons, many of these youths do not articulate the reasons which have caused them to leave their families, particularly in situations of physical, sexual, or emotional abuse. If no specific issues are identified when these teens approach child and family services for assistance, then an agency may decline service. Rather than remaining at home in situations of conflict, many may become involved in juvenile prostitution, drugs or other delinquent behaviour to support themselves.

Information received by our office over the years suggested there may be somewhat of a grey area with respect to the services and financial resources available to this segment of the teenage population. This seems to be an increasing social problem which we feel, if not addressed, will ultimately tax other components of our social system such as health and corrections.

We also believe that if the cycle is to be broken, appropriate and available services must be in place to assist these teens, and their parents. I have stated previously that I believe agencies and the Department have to consider whether the more traditional child welfare services adequately address the problem. There appears to be a need for flexibility and creativity within the system in order to engage our street and runaway youth in joint planning to effectively meet their needs. We recognize that this is a complex social issue, resources are stretched, and priorities must be set by agencies.

While we had dealt with specific cases which came to our attention on an individual basis, we had continued to monitor the general issues since 1988, as we were aware that it had been the subject of review by the Department, and a number of options were being considered. We were not advocating extending unconditional financial support to minors as the ideal solution to the problem. However, in my 1990 Annual Report I stated I did not find it unreasonable to expect that some final decisions be made in this critical area.

In December 1991, I received a response from the Department of Family Services. The Department advised that at present, children under 18 years of age are not normally eligible to receive financial assistance in their own right from the Social Allowances Program or municipal social assistance programs. This policy was reported to be consistent with *The Family Maintenance Act* which requires parents or legal guardians — including child and family services agencies when a child is in need of protection — to assume financial responsibility for their children until they reach the age of majority. It was the Department's view that the vast majority of minors living away from their parents' home should be under the supervision of their parents or a child and family services agency, to ensure that these children are not at risk as child and family services agencies have the expertise and resources to assess minors' circumstances and to make appropriate arrangements for their care and supervision. It was stated that one option available to agencies is independent living programs for older minors who require only limited supervision.

The Department stated they presently had no plans to extend to minors, eligibility for social allowances. While no specific policy changes were planned with respect to child and family services for adolescents, it was reported that a number of reforms and new initiatives announced during the past year may indirectly impact on this issue in a positive way.

In particular, the Department believed that child protection services would be significantly improved due to the restructuring of Winnipeg's child and family service agencies; the development of an automated information system which could help social workers track high risk children and families; and the introduction of a risk assessment scale. As well, we were advised the government was finalizing plans to establish a Childrens Advocate Office to ensure that children in the care of Manitoba's child and family service system are protected and well treated, and that their rights, interests and preferences are respected when decisions affecting them are made.

It was also stated that the Department had been supportive of several new community programs and planning efforts which are targeted at "street kids" and the difficulties they encounter. The Department stated they would continue to monitor the effectiveness of its programs and services for minors in order to ensure that young people receive appropriate protection, assistance and support.

The Ombudsman's role is to investigate acts, decision, or omissions by departments or agencies of the provincial government concerning matters of administration. While my office was monitoring this issue of assistance to teens, ultimately it was the responsibility of the Department to determine the policy direction on this matter. Given that the Department made the decision that no initiatives were required at this time, I concluded our file. However, I also advised the Department that we trusted that the recent centralization of Child and Family Services in Winnipeg would assist in reducing any previous inconsistencies in approach to the teenage population when they request assistance, so they do not "fall between the cracks." I reiterated our expectation that each case be thoroughly assessed on its own merits when considering the provision of service to teenagers. I also requested to be advised if at any time, further consideration is given to this issue.

In June 1991, the six Winnipeg — based Child and Family Services agencies were dissolved and a new centralized organization, Winnipeg Child and Family Services was created. This became effective on June 25, 1991. My correspondence to the Department of Family Services on the issue of financial assistance and support to teens was copied to the Chief Executive Officer of the new agency.

While I would certainly support any new initiatives and reforms that the Department of Family Services may undertake, I must candidly state that I am not overly optimistic (when one considers the resource issues facing the system) that these initiatives and reforms will necessarily be sufficient to deal with the problems identified. However, our position has been made known to the government, and at this stage, our role will be to review any new cases which come to our attention involving teenagers who feel they are not receiving service to which they are entitled.

Youth Admitted to Brandon Mental Health Centre

In 1990, I identified an issue relating to minors admitted to the Brandon Mental Health centre.

We had been advised that when a person under the age of 18 years is admitted to a designated psychiatric facility and the consent to admission is signed by a parent or legal guardian, the young person is considered to be a voluntary patient. An adult person admitted to a mental health facility as a voluntary patient, may, subject to the requirements of *The Mental Health Act*, leave the psychiatric facility at any time. However, this did not apply to youth unless they had the consent of their parent or legal guardian.

Under *The Mental Health Act* a Review Board had been established to review "any aspect of the admission or treatment of a patient" . . . including a review of the status of the patient. Although the sections of *The Mental Health Act* pertaining to Hearings and Appeals made no specific reference to the age of applicants, my office was advised that people under the age of 18 years, who were hospitalized at the Brandon Mental Health Centre, did not have access to the Review Board in their own right.

I had expressed the concern that for youth, who may be deemed to be in need of a secure setting or treatment but who may not necessarily meet the criteria for admission and hospitalization as defined under *The Mental Health Act*, the potential existed for them to remain in a mental health facility if a suitable community placement was not available. I felt there had to be a balance between best interests and childrens' rights. We believed that procedural safeguards should be in place for youth in these situations. Our opinion, that minors should have access to due process and administrative review as do adult

patients of mental health facilities, was shared with the Department of Health. Brandon Mental Health Centre appeared to be the only designated psychiatric facility which admitted minors under the provisions of *The Mental Health Act*. Therefore, our review was specific to that facility.

I am pleased to advise that at the time of writing this Annual Report, I have received a positive response from the Chief Provincial Psychiatrist.

I was informed that our inquiry had been forwarded to the Mental Health Review Board for advice and comment. It was stated that legal counsel to the Review Board was of the opinion that age does not restrict any person admitted to a psychiatric facility under *The Mental Health Act* from filing an application to the Review Board. Therefore, youth under 18 years of age had the right to apply to the Review Board, either by themselves or by any person having a substantial interest in doing so. I was also pleased to note that a child and adolescent psychiatrist had been appointed to the Review Board in late 1991, in anticipation of this possibility/eventuality.

It was also stated that for the most part, minors admitted to a psychiatric unit/ward on a "voluntary" basis are considered under the care of their parents/guardian, much the same as on a medical or surgical ward. In those cases *The Mental Health Act* was not deemed to be utilized. We were informed that *The Child and Family Services Act* may be used in certain circumstances to provide alternate guardianship of children where parents are unavailable or refusing to permit access to necessary assessment and treatment. The relationship among *The Mental Health Act, The Child and Family Services Act* and *The Young Offenders Act* was also under review by an Inter-departmental Committee with representatives from the Departments of Health, Family Services and Justice.

The information provided appeared to address our concerns that minors be given access to due process and administrative review, as are adult patients of mental health facilities. It is my understanding that this would apply to any youth deemed to be a voluntary patient, whether they are admitted to the Brandon Mental Health Centre under *The Mental Health Act* or *The Child and Family Services Act.*

Abuse Investigations Involving Children with Disabilities or Developmental Delays

The parents of a mentally handicapped child raised a concern regarding their involvement with a child and family services agency. The child had been apprehended as the agency believed that she may have been sexually abused. The child was eventually returned to the care of her parents and no abuse was substantiated. The parents were most concerned with respect to how the investigation had been handled and how they were treated in the process.

Based upon our review of the case, it did appear there were reasonable grounds for the agency to have become involved after they received a referral on the child. However, it was also our opinion that the family had raised some very legitimate concerns with respect to the management of the case. Our observations on this were shared with the agency and the parents.

However, on a much broader scale, the case raised for us the question of the adequacy and availability of service for children with disabilities, developmental delays or communication problems where there are protection concerns. The Investigator, Child and Adolescent Services, met with representatives from the Department of Family Services (Office of Child and Family Support; and Children's Special Services) to discuss the more comprehensive issues identified.

As a result of that meeting two main issues were identified:

1. that there may exist a lack of education/ training opportunities for line staff in child and family services agencies regarding persons with disabilities or developmental delays, and
2. there appeared to be a gap in the identification of resources and/or expertise available for assessment to determine the need for protection and/or treatment.

The outcome of the meeting was that staff from the Department of Family Services agreed to: raise the issue with the Council on Child Protection; discuss the issue with Child Protection Centre; and consider potential

training opportunities. The Director, Children's Special Services, subsequently provided us with a progress report on the action taken as a result of that meeting.

On the issue of training and education, we were advised that future orientation and training sessions as well as presentations to Child and Family Service workers would include specific information regarding children with disabilities or delays, as well as information on investigation and abuse reporting involving children with disabilities.

We were also informed that it was recognized by child and family service professionals that their medical/developmental training module was one of the best training sessions available and, by incorporating the training into the module, it would ensure an on-going training piece within the context of the initial assessment and intervention. Workshops were also being planned in Thompson for the Spring of 1992.

On the issue of identifying expertise for assessment, we were informed that the Early Intervention Specialist at the Child Development Clinic was being identified to child and family service workers as a referral point if the workers had a child with a disability in need of assessment because of suspected abuse. The Early Intervention Specialist could then be sure the worker follows the correct procedures and ensure the necessary sensitivity to the child's disability. Also, on a case by case basis, an inter-disciplinary resource group might be called upon for unique and extraordinary situations for consultation and coordination.

In addition, consultation was to occur with the Winnipeg Police Department to establish an "expert investigative team" to deal with abuse cases where the child had a disability.

We appreciated the response and the action taken by the Department to address the issues identified.

Seven Oaks Youth Centre

In January, 1989, I received a complaint from a female resident at the Seven Oaks Youth Centre. The youth's complaint centered on the procedure that she was required to follow when she attended at the Medical Unit to obtain an inhaler for her asthmatic condition. Her concerns related primarily to her contact with the male nurse in December 1988.

Prior to contacting our office, our complainant had discussed her concerns with the Director of Seven Oaks Youth Centre. Our office was in contact with the Director and we were informed that a joint review would be undertaken with the Department of Family Services, Office of Child and Family Support. The youth's child and family services worker had also been notified of the complaint.

As the matter was under review by the Department of Family Services, my office had not taken an active role in the investigation. We did however request and receive a copy of the report completed by the Directorate relating to its review and the conclusions of the RCMP investigation. After reviewing the report, it did appear that a thorough review had been conducted by Seven Oaks Youth Centre and Directorate staff into the concerns which had been raised. It was also our understanding that the recommendations contained in the Directorate report had been implemented.

My office became re-involved in June 1991, after media reports raised concerns regarding the handling of this case, as well as another incident alleged to have occurred in March 1990, involving the male nurse at Seven Oaks Youth Centre. The media reports were alleging that senior officials at the Seven Oaks Youth Centre and Child and Family Services had failed to properly investigate allegations by the two residents concerning the male nurse at the facility.

In accordance with *The Ombudsman Act*, I undertook an investigation on my own initiative. This decision was based on the fact that our office had previously reviewed the Department's investigation into one of the incidents mentioned. As indicated, we had been satisfied at the time of our review that the proper steps had been taken by the Department to investigate the complaint. Given the questions which were being raised about the adequacy of the Department's investigation, in my opinion, it would have been inappropriate to have had the Department review its own actions. As well, our office had no previous involvement or knowledge of the second incident referred to, namely, the March 1990 incident. I felt it ought to be reviewed as well.

Media reports also suggested that former and current Seven Oaks Youth Centre staff were raising concerns regarding the reporting and handling of abuse allegations at the Centre. During our investigation, names of other residents who reportedly had concerns about their interactions with the male nurse came to our attention.

The Ombudsman's Investigation:

1. Took a second look at the Department's investigation of the 1988 allegations, taking into consideration new information reported in the press;
2. Reviewed the March 1990 allegation and how it was handled;
3. Obtained information with respect to new incidents brought to our attention and passed on new allegations to appropriate authorities;
4. Reviewed incident reports regarding the handling and reporting of incidents at Seven Oaks Youth Centre.

Our investigation involved an extensive review of documentation and files; interviews with appropriate personnel at Seven Oaks Youth Centre; Child and Family Services Agencies; the Department of Family Services; the Police; and current and former residents of Seven Oaks Youth Centre. An outreach was also made to staff at Seven Oaks Youth Centre advising them of our review and staff were invited to contact our office directly if they had any information they felt might be relevant to the matters under review by our office.

During the course of our review, there were also some police investigations underway. Accordingly, this limited some of the interviews we were able to conduct. However, we finalized our report on the basis of the information available to us at the time.

The investigation conducted by my office did not substantiate the allegation that the Department of Family Services had attempted to cover-up the 1988 incident

concerning the female resident and the male nurse. Furthermore, the investigation did not uncover any new information to cause the Ombudsman to question the original finding by the Department of Family Services and the RCMP, concerning this 1988 incident — that finding being that there was no sexual assault or sexual misconduct by the male nurse. Although it did not alter our findings, we did identify concerns regarding some of the process followed during the investigation by the Department of Family Services into this complaint.

Regarding the 1990 incident, our investigation was unable to shed any light on what took place, as it was primarily one person's word against the other person's. While unable to clarify this matter, we did have concerns about how the incident was documented and handled.

We also had some concerns regarding documentation and/or follow-up by Seven Oaks Management regarding complaints made by residents against the male nurse. We questioned the coordination between Seven Oaks and Child and Family Service Agencies regarding the investigation and follow-up into some of the incidents and allegations involving the male nurse. We also had concerns regarding the quality and content of file recording at Seven Oaks Youth Centre.

Our general review of Incident Reports at Seven Oaks Youth Centre raised some questions regarding:

a) the procedures for reporting and following up on incidents;

b) the use of restraint, restraint methods, and staff training regarding restraints;

c) the counselling and/or custodial relationships between staff and residents;

d) the frequency of absences without leave; and

e) peer abuse by residents.

In light of our findings, observations and the questions raised during the investigation, several recommendations were submitted to the Minister of Family Services concerning the Medical Unit, the program and the general administration of the Seven Oaks Youth Centre. Those recommendations are as follows:

RECOMMENDATIONS

Medical Unit

1. That a further review of the current Medical Unit Policy at Seven Oaks be undertaken by the Department of Family Services to ensure that it is appropriate and addresses the recommendations made in the February 1989 Directorate Report.

2. That the female residents' comments about feeling uncomfortable with a male nurse should be considered in any further review of the nursing unit and its function.

3. That consideration be given to developing policy on alternative medical arrangements for the youth at Seven Oaks if they express discomfort in dealing with the nursing staff.

4. That, if physical examinations by nursing staff are to continue, the guidelines with respect to the physical examination of residents by nurses at Seven Oaks Youth Centre be strictly adhered to and that it be documented when another staff member is present during an examination of a resident.

5. That (if it is not occurring as a matter of routine) nursing staff obtain all collateral medical information from the community and other youth facilities when residents are admitted.

6. That the Department of Family Services consider and determine whether the male nurse acted appropriately, and followed the current Medical Unit Policy, respecting the specific incidents identified in our report.

Programs

7. That a review be undertaken to clarify the role to be played by staff (custodial and/or counselling) and serious consideration be given to ensuring that appropriate treatment plans are in place for residents.

8. That automatic reviews be conducted (perhaps by the Secure Admissions and Placement Panel) for all residents at Seven Oaks who are not moved within a specified time period to alternative community resources.

9. That consideration be given to the issue identified by some Seven Oaks staff for the need to have access to more clinical/professional supports to assist them in understanding and dealing with behavioural problems.

10. That consideration be given to reviewing the adequacy of the programs/resources for aboriginal youth at Seven Oaks.

General Administration

11. That the Department of Family Services review Seven Oaks' policies and procedures for investigating complaints relating to inappropriate conduct by staff with a view to creating a clearly defined policy in this regard, one that gives consideration to the question of coordination between Seven Oaks Youth Centre, the Child and Family Services agencies, and the police with respect to investigations of alleged inappropriate conduct by staff.

12. That any policy developed regarding complaints against staff be clearly communicated to staff and residents of the Centre.

13. That the Department of Family Services review the current procedures at Seven Oaks for recording and maintaining documentation as it relates to complaints against staff.

14. That the Director of Child and Family Services consider whether a Directive is required to ensure that relevant information on residents, whether medical or social, is provided on admission or soon as possible after admission to Seven Oaks.

15. That any internal staff issues be reviewed and dealt with by the Department of Family Services. The fact that internal issues at Seven Oaks were aired through the media, may be indicative that to some extent, a problem still exists.

16. That protocol be established with respect to incidents where staff may lay charges against residents for assault.

17. That consideration be given to further reviewing the security and control of files at Seven Oaks.

18. That a review be undertaken of: (1) the training provided regarding restraint procedures; and (2) the actual restraint practices, policies and procedures utilized, with a view to ensuring that these are appropriate; that these contain sufficient safeguards to ensure the safety and well being of both youth and staff; and provide both staff and youth with protection from abuse and/or unfounded allegations of abuse.

19. That the Department of Family Services review the current procedures for reporting incidents involving residents at Seven Oaks with a view to ensuring that problems and disclosures brought to light are properly recorded, pursued and investigated. This could also include a review of the Department's responsibility for the monitoring of Incident Reports, services and programs at Seven Oaks.

20. That a review of the security and operations of Seven Oaks Youth Centre be undertaken with a view to reducing the number of absences without leave.

21. That consideration be given to reviewing the incidents of peer abuse at Seven Oaks to ensure that the necessary safeguards and preventative procedures are in place to address this issue.

22. That the review of standards for recording in log books at Seven Oaks Youth Centre be completed as soon as possible with a view to improving the quality of log recording.

Summary

Manitoba Family Services Subsequently provided a preliminary response to my report, indicating that each of my suggestions warranted consideration. The Department's response indicated the actions already initiated by the Directorate on several of the concerns put forward in the report. As well, the response indicated that the other issues raised in the report were being addressed. I was pleased with the positive nature of the preliminary response and look forward to on-going discussions with the Department as it completes its response. Our monitoring of the Department's implementation of my recommendations will continue into 1992.

Corrections

A large portion of complaints received by our office against the Department of Justice, are from residents of correctional institutions. Some of the complaints are very specific to the individual involved. Other concerns are broader and more systemic in nature and may involve a number of residents at a particular institution or all residents in correctional facilities. While our investigation may focus initially on the specific complaint, the Ombudsman may, on his own motion, initiate an investigation into the more comprehensive administrative actions or decisions that may result in valid grievances.

The following are some examples of systemic issues that were dealt with by our office.

91-110-135 Medical Care — Access to doctors

Concerns regarding medical treatment in the various correctional institutions seem to be on-going. While our office is neither authorized nor qualified to question the medical decisions of doctors, we do review complaints to ensure that policies and administrative procedures are adhered to.

Over the past year, with respect to one particular correctional institution, our office received a number of complaints from individuals who were prevented from seeing a doctor through an internal screening process. Essentially, residents requesting to see the doctor are first seen by a nurse who makes an assessment as to whether the medical concern requires an appointment with the doctor.

Our office had received many complaints from residents who felt that the screening process was unfairly denying them access to a doctor. While no specific incidents seemed to support this concern it did appear to be a common theme when complaints about medical treatment were raised with our office.

The matter was discussed with the institution in question and referred by our office to the Medical Director of Corrections for clarification. The Medical Director, after discussions with our office, indicated he would review the matter with staff at the institution. Subsequently, we were advised that the Superintendent and his staff had addressed the concerns and had arrived at a solution which would minimize the problem in the future. We were informed that consideration would be given by the nurse to accommodate more requests to see the doctor.

The situation was monitored for a number of months and discussed with some of the residents who had raised the concern initially. No further complaints were received. As such, it appeared that the situation had been resolved.

91-110-123 Accounting Procedures

Our office received correspondence from a group of residents at a correctional facility, expressing concern regarding the accounting procedures for their personal accounts. It would appear that when someone other than the resident deposited money into the resident's account, the resident was not notified. Accordingly, residents were not aware of their account balance and could not check and verify that the money was correctly deposited.

I note that a similar concern had been raised in 1987 with the same institution. The individual complaint at that time had been addressed; however, I reported in my 1987 Annual Report that the Superintendent advised he would review the procedure for the handling of residents' money for deposit into trust accounts. At that time, the institution was in the process of drafting the procedure as a part of a larger project and we were advised we would be contacted upon its completion.

We were subsequently advised that the institution developed an inmate handout which stated that any money received in the mail would be credited to the resident's account and the resident would be notified. Accordingly, our office concluded that the matter had been addressed by the institution. The recent complaint suggested that the procedure outlined in the inmate handout was not being followed.

This time, following our inquiry the institution reviewed the situation and established a new system where the person dropping off money would complete a deposit notice, which would be given to the resident. The new system was implemented immediately and our office received a copy of the resident account deposit notice. Accordingly, if the institution uses the form and follows the procedure developed this should address the matter once and for all.

90-110-181 Overcrowding
91-110-2

Our office continuously received complaints regarding the general living conditions in some correctional facilities, particularly relating to overcrowding. In 1987, I recommended to the Minister that appropriate consideration be given to the need for an adequate remand facility and if for whatever reason it was not possible to expedite action in that regard, that appropriate steps be taken to improve the current facility. At that time, the Minister advised that Cabinet had confirmed its intention to proceed with the new Remand Centre. Accordingly, our office monitored concerns on a case by case basis. It is our hope however, that when the new Remand Centre opens in the fall of 1992, this may alleviate most of the concerns in this regard.

The institutions are aware of the problems regarding space allocations and usage, and our office usually finds that they take steps to alleviate the problem as quickly as possible.

A situation came to our attention regarding overcrowding and the housing of intermittent residents in one of the correctional facilities. Intermittent residents are those that do not serve time on a continuous basis but, for example, may only serve time on weekends. It is our understanding that there is a history of problems related to the management of intermittent sentences. The Centre adopted the practice of isolating all intermittent residents from the general population. This meant placing the intermittent residents in a sub-unit within which they were free to move about. However, this arrangement was only possible if space allowed, and this was contingent on the need to house residents from the general institution population in the area occupied by these individuals. When residents from general population needed to be housed in the sub-unit, the principle of isolating the intermittent residents was enforced. This meant the intermittent residents were restricted to their cells.

The individual that contacted our office was an intermittent resident who expressed concern at being under 23 1/2 hour lock-up with no privileges. He advised that lock-up was usually a punishment given to residents who had broken institution rules.

Our office discussed the situation with the institution. Staff recognized that the practice of isolating the intermittent residents from the general population was difficult to manage and was quite restrictive. The institution advised they had no viable alternative at the time. However, as they were switching over to unit management, it was their hope to develop new strategies to deal with the problem in the near future. At about the same time, Divisional Headquarters produced a draft policy on intermittent sentences which included provisions that could be used as mechanisms for institutions to control their numbers.

The Unit Mangers reviewed the information on intermittent sentences and came up with guidelines for admission, property control, housing procedures and case management responsibilities. As a result, intermittent residents were integrated into sentenced population as dictated by available bed space. As well, a new standing order was developed on Overcrowding Contingency Guidelines and Administrative Temporary Absences. Accordingly, it appeared that action had been taken by the Department to resolve the problems associated with intermittent residents.

90-110-223 Segregation
91-110-127

The practice of placing residents in segregation for disciplinary or administrative purposes is quite common in correctional facilities. It is also an aspect of institutional life about which our office receives many complaints.

A resident contacted our office with respect to his extended placement (12 days), in a segregated location in an institution without a Discipline Board Hearing. Our office made inquiries with the institution and reviewed copies of reports concerning the incident which precipitated the resident's placement in segregation. We were informed that in accordance with Branch policy relating to Interim Control Measures, the resident was being held in a secure location pending notification by police of further action. The institution advised this action was taken as it was felt there was a continuing threat to the safety of others and the institution by this resident.

The review process for these types of situations was discussed with the Superintendent. It was our understanding that there was no formal review mechanism in place, however, the situation was reviewed weekly by the Inmate Planning Board.

The specifics regarding the resident's situation were reviewed with the Deputy Superintendent and the Superintendent. The resident was moved out of segregation after being in that location for 26 days.

In reviewing the institution's files on the resident, we could find no documentation regarding the reviews we were told had occurred, nor any documentation referring to why the resident continued to remain in segregation. We noted that the Adult Corrections Branch draft policy did not specify how often reviews should occur nor did it speak to the issue of documentation. However, it was our understanding that in the previous policy, reviews were to occur every 72 hours and documentation was required.

The Superintendent indicated that it was his feeling that the review process and the reasons for holding an resident in a particular area should be documented on the file. Accordingly, to prevent undue confinement and to formalize the review process the Superintendent advised his staff that the Inmate Planning Board would maintain responsibility for status review of all residents in segregated areas, and would be responsible for ensuring that a brief status report was documented and copied to the resident's file.

While the Superintendent addressed this matter at his institution, our office was concerned that the Adult Corrections Branch draft policy for review of Interim Control Measures did not specify how often reviews should occur, nor did it state requirements regarding documentation. It was our understanding that amendments were to be done to reflect the desired review practice. Accordingly, our office made the Executive Director of Adult Correctional Services aware of our concerns.

Our office monitored the policy drafts in this regard. I note, at the time of writing this report, the policy on the isolation of inmates has been finalized and addresses the concerns raised by our office.

I would like to note that most of the complaints we receive relating to Corrections, are resolved on an informal basis with senior Corrections staff. Generally, our experience on a case by case basis has been positive with no need to formalize recommendations to the Minister of Justice. It would appear from our involvement that staff have a genuine desire to resolve the complaints brought to their attention.

Eden Mental Health Centre

Ombudsman Reviews Centre's Policies and Practices Regarding Complaints of Sexual Abuse

In October and November 1990, reports appeared in the Winnipeg Free Press and other media regarding allegations of sexual abuse at the Eden Mental Health Centre. Some of these reports raised questions around the Centre's handling of patient complaints concerning sexual abuse. As there did not appear to be any agency investigating this matter and as I felt the situation to be serious enough to warrant an investigation, I decided to review this situation on my own initiative, in accordance with section 15 of *The Ombudsman Act.*

The focus of the investigation was to determine and clarify firstly, whether Eden responded appropriately to the allegations presented regarding sexual abuse and secondly, what policies, practices and procedures were in place to ensure the appropriate handling of such incidents. Our office did not investigate the veracity of the sexual abuse allegations, but only how the Centre responded to these allegations.

The investigation began on November 27, 1990. Those interviewed were patients who expressed concerns about their treatment at Eden, all relevant clinical and administrative staff at Eden, and other individuals who it was felt could contribute useful information to the investigation, including the individual against whom the allegations were made.

As well as conducting interviews, the Ombudsman's office did an extensive review of relevant reports, files and documentation including legislation, regulations and policies.

Based on the information gathered during the investigation, the following conclusions were reached:

1. That some Eden staff were aware of complaints and/or concerns regarding allegations of sexual abuse dating back to 1983.
2. That prior to 1986 no written policy existed regarding the handling of patient complaints; however, in May 1986 a policy was adopted.
3. That there was a lack of overall awareness by some staff regarding the policy and how and when it should be used, with the policy being applied in the case of written complaints, but not necessarily in cases where concerns were raised verbally and/or in a clinical setting.

   Confusion seemed to exist between administration, the Medical Director, heads of departments and staff as to who was responsible for what and to whom complaints should be reported. It appeared there was a blurring of responsibilities relative to what was considered clinical and what was considered administrative. It also appeared the lines of authority in Eden's organization chart were unclear.
4. That confusion existed as to the role and duties of the Director of Pastoral Care, with some information indicating that this individual acted more as a social worker than a pastoral care giver, and other information indicating that he was viewed by several staff members as Eden's sexual dysfunction expert. In an attempt to come to grips with this question, it seems consideration had been given by Eden to hiring a second pastoral care giver.
5. That there was little, if any, supervision given to the individual occupying the position of Director of Pastoral Care, even after complaints and/or concerns regarding sexual abuse had been expressed.
6. That there was inadequate documentation regarding the complaints and/or concerns received. However, following two written complaints (one in December 1989 and one by a different individual in January 1990) a record was kept by the Administrator of Eden documenting discussions and action taken.
7. That while patients who had expressed concerns, may have received counselling within the Centre, no action was taken by the Centre to make external support available.

As a result of our findings the following recommendations were made:

1. That the Eden Mental Health Centre review its current patient complaint policy to ensure that the policy clearly requires the reporting and documenting of all complaints involving alleged patient abuse.
2. That Eden Mental Health Centre institute procedures and processes to ensure that staff are aware of and understand their responsibilities under the policy to report and document complaints involving alleged patient abuse. With respect to reporting complaints involving allegations of abuse, consideration should be given not only to the internal reporting process, but also to when and how matters should be referred externally, such as to the police.
3. That Eden Mental Health Centre review its current patient complaint policy to ensure that a process is in place which enables coordination of all complaints received and establishes an investigative process that is clear, thorough and fair and conveys to patients and staff that concerns have been dealt with justly and appropriately.
4. That the Eden Mental Health Centre address any further concerns brought to its attention from patients who have or may have been aggrieved by the actions or inactions of the Centre while they were under its care.
5. That Eden Mental Health Centre review its policies and procedures to ensure adequate supervision and clear lines of supervisory responsibility and accountability for all staff, particularly those who have responsibility for patient care and direct interaction with patients.

The Ombudsman's report was clarified with the Eden Mental Health Centre Board at a meeting on March 22, 1991. The report, generally speaking, was received favourably and the recommendations were fully supported by the Board. Discussion took place as to what steps the Board planned to take in response to the Ombudsman's recommendations and also what action was already in progress. Subsequently, I received written confirmation as to the Board's actions. The Board indicated as follows:

"The following action is already in process:

1. Staff have made several attempts to upgrade the complaints policy in order to make it as clear and comprehensive as possible. At the same time, we have been assured by the Provincial Deputy Minister of Health that a prototype policy has been developed by the Province which is about to be released. This will include a listing of all issues to be covered in this type of policy. This will be used in finalizing EMHC's revised policy.

   The policy will ensure coordination of all complaints received, and will outline a clear investigation process.
2. Clinical staff are providing ongoing support for the complainants who are wanting this service.
3. EMHC has promoted two workshops in order to encourage education and open interaction in the area of patient abuse and professional relationships. These are entitled "Sorrow and Strength: The Process", and "Clergy Ethics and Sexual Exploitation in Professional Relationships". Each workshop will be attended by a least six staff. An inservice has been scheduled for June, where participants will share their insights with other staff.
4. The Board has agreed to give complainants the opportunity to attend a ten week group session in Steinbach relating to abuse in clinical settings. This includes financial support.
5. EMHC is advertising for a Clinical Director to allow for more Clinical interaction and supervision.
6. The Board at the beginning of this year decided to request a program review for the

fall of '91. This includes an external review of the organizational structure as well as role clarification and issues relating to supervision.

Further action planned includes:

1. Active promotion of the revised complaints policy, in its developmental stage and upon completion to ensure that staff are fully aware of its contents including a thorough briefing for new staff by way of orientation and also an annual review for those who continue on the staff.
2. A more complete advertising of the Ombudsman's promotional materials, including brochures and posters in the outpatient waiting room as soon as these resources are received;
3. Active encouragement for patients and staff to use the Ombudsman's office as a resource, when this is indicated including the possibility of a patient advocate."

Having reviewed the Board's response to my report and recommendations, I was satisfied that action had been and was continuing to be taken to implement the recommendations and address the concerns raised as a result of the allegations of sexual abuse at Eden Mental Health Centre.

I was also satisfied from my investigation, that while there were legitimate areas of concern regarding Eden's handling of the sexual abuse allegations during the earlier years (1983 - 1988), there was no evidence of any deliberate attempt to cover up these allegations. Rather, problems developed because of: a lack of clear definition of roles and responsibilities; a lack of supervisory responsibility and accountability; and a lack of clear policy, procedures, guidelines and understanding as to how best to handle the concerns raised. These matters all received some degree of attention in later years and by late 1989 and early 1990 when the concerns became public, the Board was actively dealing with and attempting to resolve the problems relating to allegations of sexual abuse at the Eden Mental Health Centre. This positive approach by the Board was displayed by the Board's decision to have an external review of the problem, and also by the Board's cooperation with the Ombudsman's office during its investigation.

In conclusion, the Ombudsman was satisfied that with the positive approach by Eden Mental Health Centre, and with the acceptance of the recommendations and the commitment and action taken to implement them, Eden Mental Health Centre was certainly in a position to provide quality service to those in need of mental health care and Eden certainly would be much better equipped to handle any problems that may evolve around patient care.

Complaints about Clients' Difficulties in Communicating with the Maintenance Enforcement Program

In 1991, I received several complaints and have continued receiving similar complaints in 1992, from divorced/separated spouses regarding concerns they have with the handling of their files by the Maintenance Enforcement Program, (hereafter referred to as the Program). Virtually all complaints received had one common element, that being the difficulties in communicating with the Program's office generally, and particularly the complainant's inability to communicate directly with Program officers. Complainants are indicating that they are not being allowed to communicate directly with the officer handling their cases, and are not having their telephone messages returned to them by their officer.

As a result, I opened a file on my own initiative in accordance with section 15 of *The Ombudsman Act* to review the Program's policies, procedures and office resources.

Several discussions and meetings were held with the Director of the Program. We were advised that in Winnipeg, there were a total of 20 staff members of which 7 were officers, the remainder being administrative and secretarial. As well, we were informed that the Program's total case load was approximately 9,900, of which in excess of 7,500 cases were within Winnipeg's jurisdiction. This would give an average case load of approximately 1,100 per officer. We were further informed that in 1991, the Program processed 26.1 million dollars of maintenance payments.

Our office was also advised that between 4000 and 5000 telephone calls per month are received, and that it was virtually impossible for officers to speak to all individuals who wanted to speak to them, as they would be unable to work their files. We were informed that the Program's two receptionists answer as many questions as possible, however, for those questions that cannot be answered, individuals are advised that a message will be left for the officer. Callers are also apparently advised that it is at the officer's discretion as to whether or not he/she will call back. They are informed that their calls cannot be transferred directly to the officer handling their case.

Clients are apparently told that if there is no relevant information that can be provided by the officer, or if there is no new information to be provided, then the officer will not call them back. We were advised it was felt that in the majority of cases, individuals were telephoning to complain about issues that officers could do nothing about.

Our office was informed that the Department of Justice had initiated a review of the Program's policies, procedures and needs. In March 1992, we met with the Department's representative. It is our understanding that the Department was to evaluate, among other things, the following:

1. Office space requirements.

   Currently the Program's employees are not all located in the same office. Some employees are located in another Department's offices across the hallway. This apparently makes it difficult for staff, as files may be located in an area other than where they are working.

2. Staffing requirements and the efficient use of existing staff.
3. Computer requirements.
4. Other office procedures and need.

We were advised that a report would probably be submitted to the Minister of Justice, with recommendations, in the fall of 1992.

The Department's representative was advised of my concerns regarding the communication problems being experienced by the public, and of my belief that clients of the Program should be able to speak to their case workers and that calls left for workers should, if at all possible, be returned by those workers.

I requested that the Department inform me of any proposed recommendations and I advised that I will continue to monitor this situation.

Municipal Jurisdiction

In my 1989 and 1990 Annual Reports I commented upon the steps that had been taken to require and enable the City of Winnipeg to establish the position of Ombudsman. In my previous write-ups I indicated that the City of Winnipeg, through amendments to *The City of Winnipeg Act* and *The Ombudsman Act*, had the option of appointing its own Ombudsman or securing, through contract, the services of the Provincial Ombudsman.

I indicated in my previous reports that the City of Winnipeg was initially leaning in the direction of securing a contract which would enable my office to provide Municipal Ombudsman services, and I described some of the problems that arose in that regard, including what I felt to be inappropriate and controversial amendments to *The Ombudsman Act*, and also the apparent lack of understanding of the Ombudsman concept by some city councillors. Despite these problems I ended my 1990 report on this matter on a positive note, remaining hopeful that should the City continue to pursue a contract for ombudsman services through my office, an appropriate agreement could be reached guaranteeing adequate resources and compensation to provide an efficient and effective service.

The final outcome of the deliberations of the City of Winnipeg concerning the requirement to provide Ombudsman services was a decision by the City to establish and appoint its own Ombudsman rather than enter into a contract with my office. At the time of writing this report a job competition for the position of the City of Winnipeg Ombudsman was in progress, and probably at the time of writing my next annual report I will be able to welcome to the world of Ombudsmanship, Canada's first Municipal Ombudsman.

International Congress
"The Experience of the Ombudsman today"

An International Congress entitled The Experience of the Ombudsman Today was held in Mexico City from November 13, 1991 until November 15, 1991 sponsored by the Mexican National Commission on Human Rights. The National Commission on Human Rights was established in Mexico in June 1990 and at its inauguration ceremony Mr. Carlos Salinas De Gortari, President of the United Mexican States emphasized how important it is that the human rights enshrined in the Mexican constitution be publicly and effectively respected. The National Commission of Human Rights, having the responsibility of investigating human rights complaints and generally speaking safeguarding human rights, sees itself as an Ombudsman in the human rights field.

I was pleased to be invited by the National Commission on Human Rights to be a speaker at this International Congress which had as its goal the bringing together of Ombudsmen from all parts of the world to hear from them, their experiences in the very important humanitarian mission of watching over and defending human rights in their respective countries. In fact, I was honoured to be the first speaker of the three day program, presenting my paper entitled The Ombudsman An Effective Recourse for Citizens?

The Congress, which was officially opened by an address by the Mexican President at an inaugural ceremony in Los Pinos, the Presidential Residence, was attended by Ombudsmen and Ombudswomen from Argentina, Canada, Columbia, Denmark, Spain, France, Guatemala, Great Britain, Holland, Israel, Mexico, Norway, Portugal, Rumania, Sweden and Venezuela. The topics were interesting, the discussions lively, the hospitality excellent and I am sure that all who attended benefitted from the sharing of ideas and experiences as we looked at our common goal of trying to assist the citizens and residents of our respective countries in obtaining fair and equitable treatment from governmental and other authorities. In short, while the range and nature of matters dealt with by Ombudsman was quite varied, there nonetheless remained, in a general sense, the common goal of protecting and advancing the human rights and dignity of the individual.

I thank Dr. Jorge Carpizo, the President of the National Commission of Human Rights and the staff of the Commission not only for the invitation to participate and share in this conference, but also for their work, dedication, and wonderful hospitality which certainly went a long ways toward making this congress successful.

Canadian Ombudsman Conference

The Office of the Manitoba Ombudsman was pleased to host the 1991 Canadian Ombudsman Conference. This conference, held in Winnipeg from September 10th to September 13th, was attended by approximately fifty delegates representing nine Canadian provinces, the Canadian federal government and a municipality of the United States of America. Along with Ombudsmen, Deputy Ombudsmen, Investigators and other staff of the Ombudsman offices were members of Legislative Assemblies, the Information Commissioner of Canada, the Privacy Commissioner of Canada, the Commissioner of Official Languages for Canada, the Vice-Chairman of the Royal Canadian Mounted Police Public Complaints Commission, a member of the Royal Canadian Mounted Police External Review Committee, Investigators from the Office of the Federal Correctional Investigator, the Staff Ombudsman of Indian and Northern Affairs Canada, and the Director General of the Children's Bureau in Ottawa, Canada. Our very special guest and one of the speakers of the conference was Ms. Marie D. Farrell-Donaldson, Municipal Ombudsman for the City of Detroit, Michigan, U.S.A.

Special thanks are extended to the Honourable James C. McCrae, Minister of Justice and Attorney General for the Province of Manitoba who, (in addition to providing, through his Department, some financial assistance to our Conference) formally opened our Conference and also hosted a luncheon for our delegates and addressed us on the topic "The Role of the Ombudsman and the Administration of Justice."

A word of appreciation goes out as well to His Honour, the Honourable George Johnson, M.D., Lieutenant-Governor of Manitoba and Mrs. Doris Johnson for hosting at Government House a reception which was very much enjoyed by all who attended.

As well, I express my appreciation to the Honourable Denis C. Rocan, Speaker of the Legislative Assembly of the Province of Manitoba for extending hospitality to our conference participants by way of a luncheon in the Legislative Dining Room.

A very special thank you is given to the Honourable Douglas Campbell, a former Premier of Manitoba, for his very provocative, interesting, and inspirational speech given at the closing banquet of our Conference. Thanks are extended also to the very talented musicians and dancers who performed with excellence adding a very special touch to our banquet.

The 1991 Canadian Ombudsman Conference dealt with some very interesting and timely topics. The Ombudsman and Access to Information was chaired by Ms. Gail Perry of the Manitoba Ombudsman's Office with the special speaker for this subject being Dr. John Grace, Information Commissioner of Canada.

The Ombudsman and Alternate Dispute Resolution was chaired by Ms. Joy Goertzen of the Manitoba Ombudsman's Office with Mr. Stephen Owen, Ombudsman, Province of British Columbia offering words of wisdom on this topic.

The Ombudsman and Municipal Administration was chaired by Ms. Cheryl Ritlbauer of the Manitoba Ombudsman's Office with two special speakers sharing their experiences on this issue with us. These were: Mr. James O. Beaulieu, Deputy Minister of Urban Affairs for the Province of Manitoba; and, Ms. Marie D. Farrell-Donaldson, Municipal Ombudsman, Detroit City, U.S.A.

The Ombudsman and Quasi-Judicial Boards was chaired by Mr. Kris Ramchandar of the Manitoba Ombudsman's Office with Professor Dale Gibson of the Faculty of Law, University of Alberta enlightening us on this topic with which many Ombudsman have wrestled at some time or another.

The Ombudsman and Children's Concerns was chaired by Ms. Donna M. Drever, Child and Adolescent Services Investigator with the Manitoba Ombudsman's Office, assisted by guest speakers Mr. Brian D. Ward, Director General of the Children's Bureau, Ottawa, Canada and Mr. Brent Parfitt, Deputy Ombudsman, Province of British Columbia.

The Ombudsman, Public Relations and the Community was chaired by Mr. Aurèle Teffaine of the Manitoba Ombudsman's Office, with the guest speaker being Mr. Jacques Meunier, Deputy Ombudsman, Province of Quebec.

The Ombudsman, the Administration of Justice, and Native Issues was chaired by Mr. Robert Gates of the Manitoba Ombudsman's Office. Information on this subject was presented by Mr. Paul Chartrand, Professor of

Native Studies, University of Manitoba and Mr. Phil Fontaine, Grand Chief, Assembly of Manitoba Chiefs.

The Ombudsman and the Legislature was examined by Mr. Joseph Bérubé, Ombudsman of the Province of New Brunswick. Speakers presenting interesting perspectives on this matter were; Mr. Ambrose Peddle, Former Ombudsman, Province of Newfoundland; Mr. Derek Fox, Member of the Legislative Assembly, Province of Alberta; and Mr. Ed Helwer, Member of the Legislative Assembly Management Commission, Province of Manitoba.

My sincere appreciation is extended to my Deputy, Mr. Barry Tuckett, and to all my staff who assisted in making this conference possible. A very special thank you is given to my Office Manager, Ms. Laura Foster who, as Secretary to the Conference Chairperson, provided me with invaluable assistance. As well, I cannot praise enough the work of Mrs. Kathleen E. Brown, Chief of Protocol and Ms. Kim Nydopytalsky, of the Protocol Office, who acted respectively as Conference Coordinator and Secretary to the Conference Coordinator and without whom this Conference would not have come to fruition. Lastly but not leastly by any means, I record my gratitude to all who attended and participated in the Conference for without that support our efforts would have been meaningless. I believe that all of us who attended the 1991 Canadian Ombudsman Conference felt enriched by the opportunity of working together and sharing our ideas in an effort to enhance our common goal of providing quality service to the public.

Ombudsman Staff Workshop

The National Ombudsman Investigators Workshop was held on December 5 and 6, 1991 in Toronto, Ontario. Robert Gates and Cheryl Ritlbauer represented the Manitoba office at this annual event. This year's workshop entitled, "The Challenge of the 90's: Individual Concerns and Systemic Issues" gave investigators from across the country the opportunity to pool their talents and share their wide-range of experiences.

The workshop consisted of three sessions. The first was a one-day workshop entitled System-Wide Investigations: Special Problems and Challenges. Otto Brodtrick, Principal of the Organizational Performance and Values Team in the office of the Auditor General of Canada; Wayne Cluskey, Principal of the Environment Team at the Auditor General's office; and Bergen Amren of the British Columbia Ombudsman's office presented on this topic.

Following this half-day presentation, there were discussion groups based on the participants' varied areas of interest. The facilitators for these groups were from a wide range of experiences, both from within the Provincial Ombudsman offices and from outside as well. Cheryl Ritlbauer, from this office, facilitated one of the half-day sessions discussing special needs groups. Other interest groups of this session were: housing/tenant issues; environment issues; and corrections.

The second workshop was on Investigative Remedies: Recommending Payments. Charles Ferris, Counsel for the New Brunswick Ombudsman, presented on this topic. Discussion groups included employment/pension issues; housing; corrections; and environment/natural resources.

The third workshop was entitled The Dilemma of Secrecy: Breaking the Code of Silence. Diann Bowes from the Alberta Ombudsman office, presented on the subject "Whistle Blowing" and discussion groups included corrections; health; employment; and housing/social benefits.

From all reports, the workshop was very interesting and informative, with all participants benefiting from the opportunity of sharing with colleagues. Our office would like to extend special thanks to the Ontario Ombudsman's office for organizing and hosting a most successful 1991 Investigators Workshop.

Public Relations

The Ombudsman's public relations program continued in 1991, similar to that of previous years, with the Ombudsman, as well as some members of his staff, responding to invitations from various groups and organizations to be present at special functions and to explain the role and mandate of the Ombudsman's office. These public appearances are an important aspect of our work as it is through such public contact that an awareness and understanding of our office, its function and accessibility, is fostered and it is through this kind of social contact that our credibility and public support is enhanced. Approximately fifty public relations functions were attended which involved a cross section of audiences including children, university students, service clubs, business organizations, legislative interns, health care professionals, child care workers, crown corporation employees, correctional officers, special interest groups, ethnic associations and so forth.

I was pleased to note during the past year, as I have in other years, the interest and support of the public in the Office of the Ombudsman and the work performed by our office. Such public support and interest is a necessity if the Office of the Ombudsman is to thrive and fulfil a meaningful role in ensuring administrative fairness and equity for all who find themselves involved with matters relating to provincial government departments or agencies.

Complaint Statistics

Cases Brought Forward From the Previous Year

At the close of 1990, there were 272 cases still pending (1 of which was from 1984, 3 from 1987, 9 from 1988, 63 from 1989 and the remainder, 196, from 1990. The disposition of these cases are as follows:

Assistance Rendered 10

89-140-32 — Family Services
89-140-81 — Family Services
90-110-68 — Justice
90-130-1 — Civil Service Commission
90-140-46 — Family Services
90-140-104 — Family Services
90-270-69 — Health
90-280-26 — Highways and Transportation
90-370-1 — Northern Affairs
90-410-80 — Workers Compensation Board

Discontinued (Client) 8

89-110-214 — Justice
89-110-215 — Justice
89-140-33 — Family Services
90-110-169 — Justice
90-110-214 — Justice
90-140-101 — Family Services
90-280-25 — Highways and Transportation
90-390-1 — Provincial Auditor

Discontinued (Ombudsman) 19

84-350-58 — Manitoba Public Insurance Corporation
88-140-94 — Community Services
88-280-3 — Highways and Transportation
88-350-31 — Manitoba Public Insurance Corporation
88-350-58 — Manitoba Public Insurance Corporation
89-110-216 — Justice
89-130-7 — Civil Service Commission
89-140-28 — Family Services
89-300-5 — Manitoba Hydro
90-110-145 — Justice
90-140-16 — Family Services
90-140-63 — Family Services
90-140-66 — Family Services
90-200-3 — Education and Training

90-240-10 — Federal Departments and Agencies
90-330-1 — Rural Development
90-350-48 — Manitoba Public Insurance Corporation
90-360-1 — Natural Resources
90-380-1 — Private Matters

Information Supplied 14

89-140-65 — Family Services
89-140-70 — Family Services
89-140-74 — Family Services
89-350-60 — Manitoba Public Insurance Corporation
90-110-142 — Justice
90-110-174 — Justice
90-140-73 — Family Services
90-170-6 — Corporations and Extra Departmental
90-230-5 — Environment
90-240-1 — Federal Departments and Agencies
90-350-53 — Manitoba Public Insurance Corporation
90-360-12 — Natural Resources
90-370-3 — Northern Affairs
90-380-38 — Private Matters

Not Supported 100

87-110-15 — Justice
87-110-128 — Justice
88-410-32 — Workers Compensation Board
89-100-3 — Agriculture
89-100-7 — Agriculture
89-100-11 — Agriculture
89-110-13 — Justice
89-110-19 — Justice
89-110-204 — Justice
89-110-233 — Justice
89-110-236 — Justice
89-110-238 — Justice
89-110-239 — Justice
89-110-241 — Justice
89-110-243 — Justice
89-110-244 — Justice
89-140-73 — Family Services
89-170-10 — Corporations and Extra Departmental
89-170-13 — Corporations and Extra Departmental

89-200-7 — Education
89-270-66 — Health
89-290-19 — Housing
89-350-55 — Manitoba Public Insurance Corporation
89-410-58 — Workers Compensation Board
89-410-63 — Workers Compensation Board
89-410-64 — Workers Compensation Board
89-410-94 — Workers Compensation Board
90-100-4 — Agriculture
90-100-6 — Agriculture
90-100-10 — Agriculture
90-100-11 — Agriculture
90-100-12 — Agriculture
90-110-33 — Justice
90-110-53 — Justice
90-110-60 — Justice
90-110-77 — Justice
90-110-105 — Justice
90-110-118 — Justice
90-110-119 — Justice
90-110-144 — Justice
90-110-153 — Justice
90-110-170 — Justice
90-110-184 — Justice
90-110-190 — Justice
90-110-195 — Justice
90-110-196 — Justice
90-110-198 — Justice
90-110-205 — Justice
90-110-208 — Justice
90-110-212 — Justice
90-110-213 — Justice
90-110-217 — Justice
90-110-221 — Justice
90-110-224 — Justice
90-130-3 — Civil Service Commission
90-140-19 — Family Services
90-140-94 — Family Services
90-140-95 — Family Services
90-140-106 — Family Services
90-150-4 — Co-operative, Consumer and Corporate Affairs

90-170-2 — Corporations and Extra Departmental
90-170-9 — Corporations and Extra Departmental
90-170-10 — Corporations and Extra Departmental
90-200-1 — Education and Training
90-270-53 — Health
90-270-75 — Health
90-280-20 — Highways and Transportation
90-280-28 — Highways and Transportation
90-280-29 — Highways and Transportation
90-280-18 — Highways and Transportation
90-280-19 — Highways and Transportation
90-320-1 — Labour
90-320-3 — Labour
90-350-18 — Manitoba Public Insurance Corporation
90-350-40 — Manitoba Public Insurance Corporation
90-350-42 — Manitoba Public Insurance Corporation
90-350-46 — Manitoba Public Insurance Corporation
90-350-47 — Manitoba Public Insurance Corporation
90-350-54 — Manitoba Public Insurance Corporation
90-360-3 — Natural Resources
90-360-7 — Natural Resources
90-360-14 — Natural Resources
90-360-15 — Natural Resources
90-410-2 — Workers Compensation Board
90-410-3 — Workers Compensation Board
90-410-9 — Workers Compensation Board
90-410-15 — Workers Compensation Board
90-410-25 — Workers Compensation Board
90-410-27 — Workers Compensation Board
90-410-30 — Workers Compensation Board
90-410-33 — Workers Compensation Board
90-410-38 — Workers Compensation Board
90-410-41 — Workers Compensation Board
90-410-43 — Workers Compensation Board
90-410-47 — Workers Compensation Board
90-410-49 — Workers Compensation Board
90-410-56 — Workers Compensation Board
90-410-74 — Workers Compensation Board
90-410-77 — Workers Compensation Board
90-410-78 — Workers Compensation Board

Partially Resolved 5

89-110-221 — Justice
90-110-69 — Justice
90-110-167 — Justice
90-110-171 — Justice
90-110-218 — Justice

Resolved 42

88-110-6 — Justice
88-270-67 — Health
89-110-7 — Justice
89-110-45 — Justice
89-140-79 — Family Services
89-280-26 — Highways and Transportation
89-300-8 — Manitoba Hydro
89-350-79 — Manitoba Public Insurance Corporation
89-350-85 — Manitoba Public Insurance Corporation
90-100-1 — Agriculture
90-100-3 — Agriculture
90-110-27 — Justice
90-110-98 — Justice
90-110-106 — Justice
90-110-116 — Justice
90-110-123 — Justice
90-110-152 — Justice
90-110-155 — Justice
90-110-158 — Justice
90-110-181 — Justice
90-110-209 — Justice
90-110-216 — Justice
90-110-223 — Justice
90-170-1 — Corporations and Extra Departmental
90-270-52 — Health
90-270-60 — Health
90-270-78 — Health
90-280-19 — Highways and Transportation
90-280-23 — Highways and Transportation
90-290-8 — Housing
90-290-20 — Housing
90-320-7 — Labour
90-350-51 — Manitoba Public Insurance Corporation

90-360-6 — Natural Resources
90-360-9 — Natural Resources
90-360-11 — Natural Resources
90-370-2 — Northern Affairs
90-410-34 — Workers Compensation Board
90-410-67 — Workers Compensation Board
90-410-59 — Workers Compensation Board
90-410-60 — Workers Compensation Board
90-410-62 — Workers Compensation Board

Pending 74

87-360-4 — Natural Resources
88-110-82 — Attorney General
88-290-28 — Housing
89-100-4 — Agriculture
89-100-5 — Agriculture
89-110-172 — Justice
89-140-39 — Family Services
89-140-40 — Family Services
89-140-48 — Family Services
89-200-3 — Education and Training
89-220-1 — Energy and Mines
89-235-1 — Executive Council
89-270-6 — Health
89-270-21 — Health
89-270-41 — Health
89-280-19 — Highways and Transportation
89-310-1 — Industry, Trade and Tourism
89-320-13 — Labour
89-340-11 — Municipalities, Cities, Towns, Etc.
89-350-72 — Manitoba Public Insurance Corporation
89-350-77 — Manitoba Public Insurance Corporation
90-100-2 — Agriculture
90-100-9 — Agriculture
90-110-13 — Justice
90-110-22 — Justice
90-110-23 — Justice

90-110-24 — Justice
90-110-28 — Justice
90-110-32 — Justice
90-110-41 — Justice
90-110-42 — Justice
90-110-43 — Justice
90-110-45 — Justice
90-110-47 — Justice
90-110-62 — Justice
90-110-67 — Justice
90-110-72 — Justice
90-110-132 — Justice
90-110-134 — Justice
90-110-166 — Justice
90-110-193 — Justice
90-110-194 — Justice
90-110-199 — Justice
90-110-206 — Justice
90-140-10 — Family Services
90-140-27 — Family Services
90-140-36 — Family Services
90-140-52 — Family Services
90-140-74 — Family Services
90-140-81 — Family Services
90-140-92 — Family Services
90-150-3 — Co-operative, Consumer and Corporate Affairs
90-260-1 — Government Services
90-260-3 — Government Services
90-270-8 — Health
90-270-25 — Health
90-270-36 — Health
90-270-62 — Health
90-280-17 — Highways and Transportation
90-280-18 — Highways and Transportation
90-290-3 — Housing
90-290-7 — Housing
90-290-15 — Housing
90-290-23 — Housing
90-320-5 — Labour
90-340-6 — Municipalities, Cities, Towns, Etc.

90-350-14 — Manitoba Public Insurance Corporation
90-350-31 — Manitoba Public Insurance Corporation
90-350-33 — Manitoba Public Insurance Corporation
90-380-30 — Private Matters
90-380-49 — Private Matters
90-410-17 — Workers Compensation Board
90-410-67 — Workers Compensation Board
90-410-75 — Workers Compensation Board

From the above, it is noted that of the 272 cases brought forward from the last reporting year, 198 (73%) were concluded during this reporting year with 74 (27%) being carried over into 1992.

Disposition 1991 Complaints

Assistance Rendered	40
Declined	8
Discontinued (Client)	43
Discontinued (Ombudsman)	16
Information Supplied	252
Not Supported	139
Pending	206
Resolved	137
Partially Resolved	16
TOTAL	**857**

Looking at the disposition of the complaints received in 1991, we note that 651 or 76% were completed during the year. Of that number, 445 or 68% were in the categories Assistance Rendered, Information Supplied, Partially Resolved and Resolved.

The number of cases carried over to 1992 was 206 or 24% of the cases received during the year.

There was only a small number of cases which the Ombudsman declined to investigate, namely 8, which represents 1% of the total number of cases received.

Of the cases received during the year, 59 or 7% were discontinued either by the Ombudsman or the client.

Finally, of the cases completed, we note that 139 or 22% were not supported.

Complaints Attributed to each Department, Agency or Category

Rank	Department or Category	Number of Complaints	Percentage of Total (Approximately)	Number of Complaints Up from Last Year (+) Down from Last Year (-)
1	Ministry of Justice	245	28.59%	+
2	Family Services	131	15.29%	+
3	Health	99	11.55%	+
4	Workers Compensation Board	96	11.20%	+
5	Manitoba Public Insurance Corporation	54	6.30%	same
6	Private Matters	52	6.07%	+
7	Highways and Transportation	20	2.33%	–
8	Agriculture	17	1.98%	+
	Manitoba Hydro	17	1.98%	+
9	Federal Departments and Agencies	16	1.87%	+
10	Natural Resources	15	1.75%	–
11	Housing	14	1.63%	–
	Co-operative, Consumer and Corporate Affairs	14	1.63%	+
12	Corporations and Extra Departmental	12	1.40%	+
13	Labour	11	1.28%	+
14	Education and Training	10	1.17%	+
	Municipalities, Cities, Towns, Etc.	10	1.17%	+
15	Rural Development	5	0.58%	+
16	Environment	4	0.47%	–
17	Government Services	3	0.35%	+
	Northern Affairs	3	0.35%	same
	Civil Service Commission	3	0.35%	same
18	Finance	2	0.23%	same
	Industry, Trade and Tourism	2	0.23%	–
19	Energy and Mines	1	0.12%	+
	Chief Electoral Officer	1	0.12%	+
TOTAL		**857**	**100.00%**	

Complaints by the Year

Year	Written Complaints	Telephone Enquiries	Total of Written Complaints and Telephone Enquiries
1970	333	—	333
1971	396	—	396
1972	487	—	487
1973	441	—	441
1974	641	—	641
1975	651	—	651
1976	596	—	596
1977	606	—	606
1978	543	—	543
1979	531	—	531
1980	510	—	510
1981	526	—	526
1982	551	348	899
1983	728	1,179	1,907
1984	807	1,275	2,082
1985	858	1,826	2,684
1986	674	1,347	2,021
1987	757	3,261	4,018
1988	843	2,262	3,105
1989	829	3,004	3,833
1990	753	2,609	3,362
1991	857	2,614	3,471
TOTALS	**13,918**	**19,725**	**33,643**

Sources of Complaints

Altona	2	Landmark	1
Angusville	3	LaRiviere	1
Anola	1	Libau	1
Arborg	2	Lockport	1
Arden	2	Lorette	1
Ashern	1	Lundar	1
Ashville	2	Makinak	1
Austin	1	Mallard	1
Balmoral	1	Manitou	5
Beausejour	7	Maragaret	1
Bissett	2	Matlock	1
Blumenort	1	McCreary	2
Boissevain	1	Meleb	1
Brandon	62	Melita	1
Camperville	1	Minitonas	2
Carberry	3	Morden	5
Carman	8	Morris	3
Cartwright	1	Nelson House	1
Chatfield	1	Oak Bank	1
Clandeboye	1	Oakville	1
Cranberry Portage	1	Petersfield	2
Crane River	1	Pikwitonei	1
Dauphin	8	Pilot Mound	2
Dugald	1	Pine Falls	1
East Selkirk	1	Pine River	1
Ebb & Flow	1	Portage la Prairie	24
Edwin	1	Pratt	1
Emerson	1	Rapid City	1
Erickson	1	Richer	1
Fisher Branch	1	Rivers	1
Fisher River	1	Roblin	6
Flin Flon	3	Roland	2
Gilbert Plains	1	Rossburn	1
Gillam	1	Rossendale	1
Gimli	2	Sandy Hook	1
Griswold	1	Seddon's Corner	1
Grunthal	1	Selkirk	27
Headingley	42	Seven Sisters Falls	2
Homewood	1	Shilo	1
Killarney	2	Shoal Lake	1

Sifton	1	Sundown	1
Snow Lake	2	Swan River	5
Somerset	1	The Pas	7
St. Germain	1	Thompson	11
St. Norbert	1	Vermette	1
St. Pierre	1	Virden	1
Ste. Anne	2	Vita	3
Ste. Rose du Lac	2	Westbourne	1
Stead	1	Whitemouth	1
Steinbach	4	Winkler	2
Stonewall	3	Winnipeg	480
Stony Mountain	3		
SUBTOTAL			819

Out of Province			
Alberta	1	Quebec	4
Australia	1	Saskatchewan	4
British Columbia	11	Texas	3
Nova Scotia	6		
Ontario	8		
SUBTOTAL			38
TOTAL			857

Selected Case Summaries

90-100-3 Manitoba Agriculture

Alleging inappropriate action by Veterinary Services Branch.

In March 1990, the poundkeeper for a rural municipality contacted my office alleging inappropriate action by the Veterinary Services Branch regarding a dispute over payment for the boarding of cattle.

In October 1989, the RCMP and a veterinarian seized some cattle under *The Animal Diseases Act*. The poundkeeper for the Municipality was approached to house and board the cattle assembled for examination and interim care. The housing and care required was agreed to by the poundkeeper and the Department. No fee for this service was discussed or negotiated at the time of boarding.

Later in October 1989, the poundkeeper was advised to release the animals to the owner. The poundkeeper complied. The poundkeeper assumed that the rate he would be paid for the boarding of the cattle would be the poundkeeper fees outlined in the municipal bylaw.

The owner of the cattle paid the Municipality an amount based on the Municipality's calculation of the fees outlined in the municipal bylaw. After payment was received by the Municipality, they offered to pay the poundkeeper an amount considerably less than what he was requesting and as well, considerably less than what the owner of the cattle had paid to the Municipality. The poundkeeper refused this amount, feeling he should be paid the poundkeeper fees as outlined in the municipal bylaw. I note the Department had not given the poundkeeper any terms of reference for how much he would be paid, or how he would receive payment, thus the poundkeeper attempted to resolve this matter with the Municipality.

In November 1989, unable to resolve the situation, the poundkeeper felt the need to obtain the services of a lawyer. The poundkeeper indicated that he did this as he was unable to obtain what he considered fair compensation from the Municipality. Shortly after the lawyer became involved, the Department of Agriculture was copied a letter sent to the Municipality demanding payment. In December 1989, the Municipality, unable to resolve this matter, forwarded the money they had collected from the cattle owner to the Chief Field Veterinarian of the Department of Agriculture with the hope that he could resolve the situation.

In December 1989, the Director of the Veterinary Services Branch, wrote to the poundkeeper's lawyer and advised that the Province was obligated to pay reasonable fees for the services provided by the poundkeeper. It would appear that no offer or suggestion was made as to what was considered a reasonable amount. In January 1990, the poundkeeper's lawyer wrote to the Director, outlining the situation from the poundkeeper's perspective. He stated that the poundkeeper felt that the amount he was requesting was reasonable based on the municipal bylaw outlining poundkeeper fees.

The lawyer indicated to the Department that the poundkeeper had been caused considerable trouble by virtue of the fact that both the Veterinary Services Branch and the Municipality seemed unable to resolve this matter. The Department was advised that the poundkeeper had been put through considerable expense in pressing his claim for what he felt was rightfully due to him.

In March 1990, the Chief Field Veterinarian wrote to the poundkeeper's lawyer, enclosing a cheque which would pay the poundkeeper slightly more then the original offer, but still considerably less then what the poundkeeper had requested. At that time, the Chief Field Veterinarian indicated that he thought that the amount offered was fair and reasonable.

Later in March 1990, the poundkeeper's lawyer returned the cheque forwarded by the Chief Field Veterinarian and advised that the poundkeeper did not accept their proposal. I note it was at that time the poundkeeper contacted our office with his concerns and his lawyer ceased pursuing the matter.

My office made inquiries with the Department and a report was received. The situation was discussed with the Municipality as well as a Municipal Services Officer from the Department of Rural Development, the Assistant Deputy Minister of the Department of Agriculture and the Chief Field Veterinarian. The Veterinary Services Branch file and the municipal bylaw were also reviewed. The information obtained through the course of our review was explained to the poundkeeper. The poundkeeper indicated that from the calculations presented and background information provided by

our office, it would in fact appear that the amount offered was reasonable. However, the poundkeeper expressed concern that because no fee had initially been negotiated and because the Department had not made an offer with an explanation as to what amount they considered reasonable following the impoundment, the situation remained unresolved for an unreasonable length of time.

The poundkeeper stated he believed it unfair that to resolve this matter he had felt compelled to hire a lawyer. He indicated he was reluctantly prepared to settle for an amount that would cover the costs for the services he provided in October 1989, as well as the costs for the legal fees he incurred attempting to resolve this matter. The poundkeeper did not feel that he should suffer money out of pocket for providing a service to the Province. I note at this time the poundkeeper still believed he should have been paid the original amount requested as calculated from the fees outlined in the municipal bylaw as well as reimbursement for legal fees incurred. However, in the interest of resolving this matter, he was prepared to settle for less.

Based on our review of this matter, it appeared that the Department's failure to clearly indicate, initially, to the poundkeeper the amount he would be reimbursed in this matter resulted in confusion, bitter feelings and additional expenses to the poundkeeper. The situation was further complicated by the lack of direction by the Department at the outset in how the matter should be handled, resulting in confusion augmented by the Municipality's involvement. The delay in negotiating a settlement with the poundkeeper resulted in additional expenses to him in the form of legal fees. It was our feeling that the Department's action in this matter resulted in undue hardship for the poundkeeper. Accordingly, in February, 1991, I recommended that the Department pay not only the costs for the poundkeeping services provided to the Department but also the cost of the legal fees the poundkeeper incurred while attempting to resolve this matter. As well, to avoid recurrences of this type of situation, it was suggested that the Department develop clear guidelines for determining fees to be paid to individuals boarding animals for the Department. It was also noted that all staff should be made aware that fees should be negotiated at the time animals are boarded.

In March 1991, the Deputy Ombudsman and myself met with the Minister of Agriculture to discuss the situation further. Shortly after our meeting, I received correspondence from the Minister advising that as a result of the veterinarian not making prior arrangements with the poundkeeper and wanting to ensure that farmers are given completely fair treatment, he was prepared to pay the poundkeeper in accordance with my recommendation. As well the Minister agreed that fees for service should be discussed and agreed to prior to the boarding of cattle and the Department will ensure that in future cases this is done.

I was pleased with the Minister's consideration of this matter and his positive response to my recommendations. Accordingly, the situation was resolved and the file closed.

90-130-1 **Manitoba Civil Service Commission**

Alleges unfair decision regarding long term disability claim.

My office was contacted by a long term employee of the Provincial Government, who due to medical problems had to enroll in the Long Term Disability Plan (LTD), which is available to all eligible Civil Servants. The disability benefits were provided for a short period and then terminated. In contacting our office the complainant advised that he was basically unhappy with his dealings with the Civil Service Commission and brought three specific concerns to our attention, namely: 1) the decision to terminate long term disability benefits; 2) the services provided by the Civil Service Commission representing the pursuit of his disability claim; and 3) the details of the long term disability plan under which coverage is provided to civil servants.

In investigating this matter my office conducted an extensive review of the entire situation by holding discussions with several administrators and program delivery personnel, reviewing the file documentation obtained by the Civil Service Commission, and examining the appropriate section of *The Civil Service Act* and the Long Term Disability Plan Regulations.

According to the LTD Plan, a person must satisfy certain specific requirements in order to be eligible for benefits. The Plan states as follows:

"5. **Eligibility for Benefits**

5.1 Subject to Section 5.6, when accidental bodily injury or illness results in an employee's total disability, as determined by the Adjudicator, and such total disability continues without break for the total elimination period, he shall be eligible for benefits effective from the first day following the last day of the elimination period.

5.2 Benefits authorized pursuant to Section 5.1 may be continued for not more than the maximum benefits period as stated in Section 8 during any one period of total disability and benefits shall cease at the cessation of a disability as determined by the Adjudicator."

The Regulations defined total disability as follows:

> "Total disability means the complete inability of an eligible employee, because of accidental bodily injury or sickness, to engage in any occupation or employment for remuneration or profit for which he is or may become reasonably suited by reason of education, training or experience, except that during the first 12 months of any period of disability the employee is deemed to have suffered total disability while he is wholly prevented by such injury or sickness from performing his regular duties."

Basically, in reviewing these two conditions it was noted that for an employee to be eligible for benefits under the terms of the plan, he/she must be totally disabled from performing his/her regular duties during the first 12 months of disability. At the expiration of this 12 months of disability, in order for the employee to continue receiving benefits, he/she must establish, by virtue of medical evidence, total disability from all occupation by reason of education, training or experience. It would appear obvious therefore that the conditions for continued benefits under this plan as well as the definition of disability changes after the first 12 months of disability.

The plan also provides a right of review when the employee is not satisfied with the decision of the adjudicator. In the complainant's case the adjudicator had authorized long term disability payments for a certain period of time. The employee was not satisfied with this decision to terminate benefits and requested a review of his case. The employee also provided additional medical information which when reviewed by the adjudicator, enabled the long term disability benefits to be paid for an additional 3 months.

While it was recognized that in the complainant's case the medical evidence supported total disability from his own regular employment, the evidence did not support that he was totally disabled from all occupations. The adjudicator reported that according to the information received the complainant was capable of performing sedentary but less complex work than what he used to do prior to his disability. In addition the adjudicator advised that the complainant was capable of returning to work on a full-time basis to an alternative position at the time when benefits were terminated.

My office looked at this decision very carefully and on the basis of the information available I advised that the decision to discontinue long term disability benefits was in accordance with the terms and conditions of the regulation on the long term disability plan. This is to say that the complainant was entitled to receive benefits for 12 months because it was deemed that he was totally disabled from performing his regular duties. However he was not totally disabled from all occupations, and as a result he was not eligible for benefits beyond the 12 month period. I therefore informed the complainant that on the basis of the information received my office would be unable to conclude that the decision to discontinue benefits after 12 months was wrong.

With respect to the concern raised by the complainant about the type of assistance he received from the Civil Service Commission, we understand that he was primarily referring to his dealings with the long term disability coordinator's office. The complainant alleged that he was not provided with adequate information relative to the terms and conditions of the plan. The complainant stated that had he known of the various limitations of the plan prior to enrollment he may not have chosen to accept benefits.

In reviewing this matter we dealt extensively with the manner by which information was provided to employees wishing to engage in the LTD Plan. The plan administrator explained that whenever a person is contemplat-

ing enrollment, she would meet with the individual on a one-to-one basis and explain the plan in detail. This would mean that the conditions relative to eligibility, duration of benefits, as well as ongoing employment with the Civil Service would be discussed. In addition, written information contained in leaflets is given to the employee which highlights the major areas of the plan.

In reviewing our complainant's concern with the Department we noted that apart from the one-to-one discussion prior to enrollment relevant information was provided to both the employee and his wife on a regular basis.

The complainant advised our office that he was very much surprised to learn that, while he did not receive a letter of termination from the Civil Service Commission, on his return to work he no longer had permanent employment with the Department. As a result he was given a term position in a different department for one month. He was then given subsequent term positions in various departments. The complainant advised that the situation he was experiencing was one of uncertainty as he no longer had the assurance of permanent employment and that it was very frustrating and highly stressful.

Section 14(1) of the Plan regulations states:

> **"14. <u>Continuation of Employment</u>**
>
> 14.1 Notwithstanding anything to the contrary contained herein, the provisions of this Plan and/or the fact that an employee is receiving benefits under this Plan do not imply or guarantee the continuation of an employee's employment status when that employee is receiving such benefits and do not restrict or in any way affect management's right to terminate an employee due to his absence from work or his inability to work, subject to the terms of any applicable collective agreement."

In reviewing this situation with the Civil Service Commission the administrator of the plan advised that during the one-to-one session held with the complainant he was advised of the various limitations of the plan and that he was also informed that enrollment in the plan does not guarantee continued employment on termination of benefits. The complainant was considered to have become disenfranchised from permanent employment status the day he started collecting LTD benefits. In accordance with the terms and condition of the LTD plan it is possible that this employee may never again obtain permanent status even though he may be able to work productively in a reduced capacity. We understand however, that the Civil Service Commission will assist the Department in every aspect possible in the employee's attempt to regain permanent employment.

From our review of the situation it would appear that the Department had acted in accordance with the regulations and as such our office was unable to make any recommendations on behalf of the complainant.

During frequent discussions with the complainant he advised that the plan contained several limitations and that a more preferred plan would have been one which provides guarantees in writing of certain rights to disabled workers in the area of rehabilitation, and the right to return to the pre-disability job. This situation was discussed further with the Department and we were made aware of the fact that the plan was negotiated between the Union, representing all government employees, and the Civil Service Commission. If there were to be any changes to the plan, these would have to result from discussions between the two components and the conditions would have to be agreed upon through negotiations. On this point we advised the complainant that the Ombudsman would not be able to make any recommendations on the plan negotiated between the Government and the Union.

The complainant, however, commented that it would seem rather insensitive for the Department and the Civil Service Commission, not to afford a disabled long term employee like himself the protection of ongoing permanent employment as a Civil Servant.

On this point department personnel advised that attempts have been made to provide job placements for the complainant within the Civil Service, and that these placements were to ascertain the complainant's potential and ability to function in the workplace following discontinuation of his long term disability benefits. The Department advised that the long term desire was for the complainant to resecure permanent employment within the Manitoba Government.

In closing, while my office sympathized with the situation the complainant found himself faced with, it would appear that the Department acted in accordance with the terms and conditions of the plan and as such no recommendations could be made. However, I brought the complainant's situation to the attention of the Deputy Minister by sending a copy of my report to his office.

90-280-10 Manitoba Highways and Transportation

Concerns about the Department's policy of releasing names and addresses from vehicle registration/driver licencing files.

Our office was contacted by a provincial civil servant, employed in a sensitive, potentially "at risk" field, who expressed concern about the policy of the Driver and Vehicle Licencing Branch of releasing names and addresses of vehicle drivers and owners to the general public. The complainant expressed concern over his safety and that of his colleagues where their names and home addresses were available to the public through the records of the Driver and Vehicle Licencing Branch.

As background, at the time the complaint was received, it was the policy of the Driver and Vehicle Licencing Branch to release an individual's name and home address to the general public based on a licence number and for a small administrative fee. Release was provided to prospective car buyers, service station operators, financial institutions and social assistance "skip" tracers, as well as to the general public for reasons known and unknown. Access to this information was also made available to other branches of the Department, to the Manitoba Public Insurance Corporation, the Courts and law enforcement agencies. We were advised that these other government departments and agencies were prohibited from giving to third parties any information directly accessed from the Driver Vehicle and Licencing Branch. Therefore, it was apparent that the Driver Vehicle and Licencing Branch was the only source from which this information could be released.

We were advised that the policy of release-upon-request was supported by *The Highway Traffic Act* which provides, essentially, that the Registrar may, upon request, cause a search to be made of any records maintained by him and that they be furnished to any person for a fee. The legislation goes on to modify this provision somewhat in stating that the Registrar shall not, without written authorization from the person about whom the inquiry is made or by order of a justice, furnish to any person certain types of information specified in the legislation, including information furnished by drivers in confidence to the Registrar.

We were advised that, within the then existing system, if individuals felt they were at risk by virtue of this policy, they could request that the Driver and Vehicle Licencing Branch not release their name and address. We understand that the Branch complied with such a request on the basis of section 49 of *The Freedom of Information Act*, which provides:

> ***"Physical or serious psychological harm.***
>
> *49 The head of a department may refuse to give access to any record where there are reasonable grounds to believe that disclosure of the record might result in*
>
> > *(a) physical or serious psychological harm to the applicant or, in the case of a record which discloses information about a third party, to the third party; or*
> >
> > *(b) physical harm to any other person."*

We understand that the Branch manually maintained a list of names of individuals who requested that their personal information not be released to the general public. We were advised that to maintain the list at a manageable level, individuals were asked to renew their request every three months until they felt the threat to their safety had subsided.

Around the time that we received the individual's complaint and made inquiries with the Department, the Department informed us that it was in the process of developing a system for withholding information on a broader or more permanent basis through computerization. This new system was apparently intended to prevent access to information about identifiable groups of individuals, such as particular occupational groups within the provincial civil service, whose safety may be threatened by public searches.

While it appeared that the concerns raised by our complainant had been addressed, there appeared to be a broader issue relating to the Department's release of personal and private information from its records. I was concerned that there be protection for all Manitobans regarding the personal and private information contained in departmental records, not just for those individuals or groups who were identified as possibly being at risk of harm. Accordingly, I wrote to the Registrar, indicating that while, generally, there existed legislative balances between the right to privacy and the right to information, it was felt by our office that information, such as a registered owner's name and home address, should perhaps be released to only those in a legitimate "need to know" position. I asked to be advised if any consideration had been given to protecting all Manitobans, not just select groups within the provincial government or others who may be aware that they can make an application to have their information withheld.

I received a letter from the Registrar in response to my concerns. Essentially, the Registrar reiterated that the Department was expanding the withholding of information under *The Freedom of Information Act* for specific occupational groups, such as law enforcement personnel and court officials. I was also advised that before providing requested names and addresses, the Department would record proof of the requester's identity which would then be sent to the enforcement agencies to match against any unsolved crimes which may have been perpetrated. With respect to my position that release of information should perhaps be made only to those in a legitimate "need to know" position, I was advised that it would be quite a task to analyze the reason for each request.

Further to the information received, a meeting was held with the Registrar, the Director of Licencing, the Deputy Ombudsman and myself in attendance. At that meeting it was indicated that I was considering making a formal recommendation under *The Ombudsman Act* with regard to the issue but, before doing so, there were a number of issues that required clarification. There were discussions on the potential risk to individuals where their personal information is released to the public and discussions on how requesters, accustomed to relying on the Department's information, might be able to conduct their business without the need of information from the Department. Consideration was also given to *The Freedom of Information Act*. Our office noted, for example, that that legislation provides various basis for the protection from release of information. Perhaps most obviously, *The Freedom of Information Act* protects the personal privacy of an individual by virtue of subsection 41(1). That provision sets out:

> ***"Protection of personal privacy.***
>
> ***41(1)*** *Subject to subsections (3) and (5), the head of a department shall refuse to give access to any record the disclosure of which would constitute an unreasonable invasion of the privacy of a third party, including but not restricted to a record which discloses*
>
> *(a) personal details of the educational, medical, criminal, employment or family history of the third party; or*
>
> *(b) personal details of a taxation matter, financial transaction or other pecuniary matter in which the third party is or has been involved; or*
>
> *(c) the identity of a third party who has supplied information in confidence to a department for any purpose related to the administration or enforcement of an enactment."*

Consideration was also given to *The Highway Traffic Act*. I noted that section 322 of that Act gives the Registrar discretion to release or to deny access to records where its states the Registrar "may" furnish information from records maintained by him.

I wrote to the Minister of Manitoba Highways and Transportation on this matter. Having outlined the situation, I indicated it would seem that guidelines could be developed which could provide for release of information to specific agencies while preventing any unreasonable invasion of the privacy of a third party. I indicated that the Registrar, by act, regulation or policy, could identify agencies such as those having a valid "need to know" justification for the information (for example, court agencies and the Manitoba Public Insurance Corporation). I also indicated that the Registrar's discretion could still be exercised in situations where the public interest in disclosures outweighed the private interest of an individual (such as where automobile manufactur-

ers recall vehicles for safety reasons). I noted that an outstanding question that seemed to have to be considered was whether the commercial interest for disclosure (for example, prospective purchaser information and those seeking the location of particular individuals) outweighed the personal privacy right of an individual who has furnished information to the Department for the purposes of vehicle registration and/or driver licencing.

I advised the Minister that in considering all of the relevant factors, including the purpose for which personal and private information is provided by individuals to the Department of Highways and Transportation, the serious implications that release of identifying information can have, the administrative responsibilities of the Department under both *The Highway Traffic Act* and *The Freedom of Information Act* and the commercial interest of disclosure versus an individual's right to privacy, it was my opinion that the current practice of releasing personal third party information to the general public was wrong. In accordance with *The Ombudsman Act*, I recommended that the Department reconsider its practice of releasing third party identifying information to the general public and that *The Highway Traffic Act* and/or regulations and/or policy be amended to embody and respect the personal privacy rights of individuals.

Further to the Ombudsman's recommendation, the Department of Highways and Transportation undertook an extensive and in depth review of their policies and considered the various organizations, agencies and groups who had access, or who requested access, to the Department's records. We understand that the Department also took note of policies and procedures in other Canadian jurisdictions, as well as some of those in the United States. Based on the Department's review and the Department's consideration of the concerns raised by our office, new policies were proposed which restricted the availability of identifying information where it was considered release would be an unreasonable invasion of an individual's personal privacy. In the course of this review, the Department kept our office informed of its progress and requested our input.

Although, at the request of the Department, our office met with the Department during the review process, our office indicated that the Department must decide on its own policy of release and non-disclosure. Our office could not be placed in a position to determine what the policy should be. It was noted that *The Highway Traffic Act* gives the Registrar the discretion to determine what he feels could be released. Our office indicated that unless the Ombudsman is satisfied any decision of the Registrar was clearly wrong or unreasonable, the Ombudsman would not be able to make any recommendation. The Ombudsman was not in a position, from his review of the policy, to say that the policy would result in a decision by the Registrar that would be clearly wrong or unreasonable. Our office noted this was not to say that the Ombudsman would not make any recommendations about the policy in the future where, given a particular complaint received and examined by our office, the Ombudsman was of the opinion the position of the Registrar was clearly wrong or unreasonable or contrary to the provisions of *The Freedom of Information Act*.

The new policy was implemented in 1991. Essentially, name and address information from driver and vehicle registration records is now only available to the law enforcement community, government departments authorized to access government records and drivers themselves or those to whom they have specifically given authorization to obtain the information on their behalf. Information from vehicle registration records is also available to those who have a vested interest in the vehicle, such as lienholders.

In conclusion, our office is satisfied that in drafting and implementing the new policy concerning the release of information from vehicle registration and driver licencing files, the Department of Highways and Transportation has conscientiously considered the privacy rights of all Manitobans.

90-290-0008 Manitoba Housing

Tenant unhappy with action of Landlord and Tenant Affairs regarding a security deposit problem.

This case is an example of how a matter which seems so straight forward took almost two years to resolve. Considerable staff time both by the Department and by our office, was expended, and, in my opinion, this should not have been necessary. While it seemed from start to finish the Department did not agree with our position on this case, I strongly feel that our persistence

was warranted and further, that our position was clearly correct.

In April 1990, our office received correspondence from an individual advising that he was unhappy with the action of Landlord and Tenant Affairs following a complaint about the disposition of a security deposit. In July 1989, two co-tenants signed a Standard Residential Tenancy Agreement. The Tenancy Agreement listed both tenants as "tenant". A security deposit of $252.50 was required by the landlord and both tenants paid a portion. Our complainant paid $149.00 towards the deposit and the remaining balance of the deposit, $103.50 was paid by the City of Winnipeg on behalf of the co-tenant, as she was on social assistance. A receipt was issued to our complainant for his portion of the deposit.

The lease expired at the end of February 1990. According to our complainant, he moved out in February 1990 following which he handed his keys to the landlord and provided his forwarding address with instructions to forward his portion of the security deposit to that address.

Our complainant returned to the landlord's office on two occasions to try to obtain his portion of the security deposit. He advised that staff checked the fact that the Tenancy Agreement was in both names and confirmed the portion of the security deposit that our complainant had paid. Our complainant indicated the landlord's staff stated he would receive his portion of the security deposit within a few weeks.

Our complainant stated that when he did not receive his money he returned to the landlord's office and was advised that the security deposit had been returned to his former co-tenant. He noted that the landlord advised him to get his portion of the money from the co-tenant. Our complainant indicated that once he moved out of the residence, he did not have contact with the co-tenant and did not know her whereabouts.

In March 1990, our complainant attended the Landlord and Tenant Affairs Branch to file a complaint regarding the situation. Our complainant raised objections to not receiving his portion of the security deposit. He advised the Branch that the landlord had returned the security deposit to his former co-tenant. He alleged that someone in the landlord's office was a friend of his former co-tenant, and this is why the security deposit was paid to her alone.

In April, our complainant wrote to us expressing dissatisfaction with the action taken by Landlord and Tenant Affairs regarding his concerns. Upon reviewing the Landlord and Tenant Affairs Branch file, it was noted that our complainant was advised that the Branch would get in touch with the landlord to see what could be done. Apparently, it was suggested that the cheque should properly have been payable to both parties. The file also indicated the landlord was advised of the security deposit problem and two letters were sent by the Branch to the co-tenant, asking her to contact Landlord and Tenant Affairs. It is our understanding that the co-tenant did not respond to the letters and no further follow-up was done with the landlord.

In May 1990, a letter was sent to our complainant from the Branch stating they were not in a position to take any further action against his former landlord or former co-tenant. Our complainant was advised that any further action must be way of a civil proceeding through the Courts. In that letter, our complainant was advised that the Branch was closing their file on this matter.

In reviewing *The Landlord and Tenant Act*, I note section 83(1) which reads:

> ***"Return of a security deposit***
>
> *Where a landlord or anyone on his behalf receives from a tenant a security deposit the landlord shall, subject to section 84, within 14 days after the expiration or termination of the tenancy return the security deposit with interest therein calculated at the rate as set out in the regulations."*

The Tenancy Agreement clearly identified both individuals as the tenant. In my opinion, the landlord did not return the security deposit to the tenant in accordance with *The Landlord and Tenant Act* and the Tenancy Agreement. Nevertheless, the Branch seemed to have accepted the action of the landlord to return the security deposit which was held in trust for both tenants to only one of the tenants listed in the Tenancy Agreement.

It is interesting to note that the action of the landlord which the Branch deemed acceptable in this matter

appears to be inconsistent with the Branch's own policy. I understand that if the Branch were to return a security deposit from its trust account and two people were listed as tenant, the security deposit refund cheque would be made payable to both tenants.

In June 1990, my office reviewed this matter with the Deputy Director of Landlord and Tenant Affairs. The Deputy Director advised our office that they could find no reason to lay charges against the landlord as he did return the security deposit to one of the tenants on the Tenancy Agreement.

Our concerns regarding this matter were reviewed with the Department. It seemed to our office that the essence of this matter was the Standard Residential Tenancy Agreement signed by the co-tenants and the landlord. In the agreement, the tenant is clearly stated to be both co-tenants. Section 2 of the agreement states that the security deposit will be held in trust for the tenant and that the landlord will return the deposit to the tenant, or in the case of a dispute to the Rentalsman.

Under *The Landlord and Tenant Act*, the Rentalsman may order the return of a security deposit where the Rentalsman is satisfied that a security deposit has not been returned to a tenant. However, the Rentalsman did not attempt to invoke the Act, although our complainant lodged a complaint with the Branch and the Branch was aware that the landlord had not returned our complainant's security deposit in accordance with the Act. Rather, the Branch advised our complainant that his recourse in this matter would be to take his former co-tenant to Small Claims Court.

After reviewing our concerns, the Department advised they would get a legal opinion on the matter. In September 1990, my office received a copy of a memorandum regarding the legal opinion. In summary, we did not feel the legal opinion on this matter clarified the issue. The legal opinion stated in part:

> ***"it would appear that under subsection 83(1) 'tenant' would mean those persons named in the Tenancy Agreement as 'Tenant', and that any security deposit should be returned to those persons by the landlord." (emphasis added).***

This portion of the legal opinion seemed to support our position. However, the legal advice given to the Branch went on to state:

> ***"however, while the Rentalsman may order a landlord to pay over a security deposit to him under subsection 83(2), if the deposit has not been returned to a tenant in accordance with subsection 83(1), this recourse is really irrelevant and impossible here, because the deposit has already been returned by the landlord to one of the tenants."***

In my view, if *The Landlord and Tenant Act* requires the landlord to return any security deposit to those persons named in the Tenancy Agreement and the landlord does not return the deposit in accordance with section 83(1), I do not see how or why it could be considered irrelevant and impossible for the Rentalsman to order a landlord to pay over a security deposit to him under subsection 83(2). To the contrary, I would say that it is quite relevant and possible for the Rentalsman to order the landlord to pay over a security deposit that has not been refunded in accordance with the Act. If a landlord returns a security deposit held in trust for a tenant to someone other than that tenant, it seems to me that the landlord has not complied with the Act or the provisions in the Tenancy Agreement. Nevertheless, it seemed to be that in this case, the landlord was not being held accountable for this mistake and the tenant was suffering the consequences of the landlord's mistake.

Our office pursued the matter further with senior officials in the Department to no avail. Accordingly, in August 1991 I recommended to the Minister that action be taken to reimburse our complainant his portion of the security deposit plus interest. As well, to avoid recurrences of this type of situation, it was suggested that the Department develop clear guidelines for landlords regarding security deposits where the deposits are held in trust for more than one tenant.

I note that after many months, the Department responded in January 1992. They did not accept my recommendation that action be taken to reimburse our complainant. However, the Minister advised that she asked her Department to review this matter to see if an amendment to the Act was necessary to prevent such instances in the future.

I met with the Minister following receipt of her response, and again presented our office's perspective on this matter. After reviewing the situation further with her Deputy and staff at Landlord and Tenant Affairs, she advised that because of our office's concerns, she would instruct the Department to pay our complainant on an ex gratia basis. She also indicated that it was her hope that the Department will be able to address the concerns raised through some modifications to the rules and regulations applying to this type of situation.

While I was pleased that our complainant's concerns were resolved, I still have some concerns that the Department did not recognize its obligation to the tenant who lodged a complaint under *The Landlord and Tenant Act*. I do not feel that a landlord who is holding a security deposit in trust, can arbitrarily decide to whom the security deposit will be returned. Given the number of people in rental situations where co-tenancy arrangements may exist, the obligation of the landlord under *The Landlord and Tenant Act* and the Tenancy Agreement regarding security deposits held in trust should be made clear and the Branch should ensure that non-compliance with the Act is vigorously pursued.

88-110-6 Manitoba Justice

Various concerns of a ward of the Public Trustee.

An individual complained to our office about the handling of her affairs by the Office of the Public Trustee. For a time, the complainant had been declared "a mentally disordered person within the meaning of *The Mental Health Act*" and, for this reason, the Public Trustee was responsible during that period for the management of her estate. Of the several issues raised by the complainant, all but one was soon clarified after an Investigator with my office looked into the matter. However, a more problematic issue, which took some time to resolve, concerned the disposition by the Office of the Public Trustee of certain personal items belonging to the complainant.

The complainant was hospitalized for a time. Around this time, it was determined by health officials who had been called to her house, that the dwelling, which was apparently in a dangerous and unhealthy state, was unfit for human habitation. Because of the extremely poor condition of the structure and the extent of repairs required to make it habitable, it was determined that the house should be demolished. Before demolition, staff from the Public Trustee's office, together with officials and neighbours of the complainant, entered the home to salvage personal items that were in good condition. The plan was to have these items cleaned and eventually returned to the complainant or sold by public auction, with the net proceeds being credited to the complainant.

A public auction was held and much of the complainant's personal property, described by the Public Trustee's office as "mainly everyday items", was sold for the sum of $600.00. Just four days later, the complainant was relocated to an apartment in her local community. It was the complainant's concern that she now had to replace items that had been sold and that some things could not be replaced. Also, it seemed that certain items, documented as belonging to the complainant prior to the move, were not accounted for as being sold or returned to her.

Upon review of this matter, I was of the opinion that, notwithstanding the conditions of the complainant's home or the complainant's needs at her new premises, more attention could have been given to the articles sold at auction. I wrote to the then Public Trustee and advised it appeared there was some validity to the concerns expressed regarding the complainant's property. I recommended that steps be taken to compensate the complainant for any losses she may have incurred.

The initial response by the Public Trustee's office to my recommendation was that the current Public Trustee did not feel there was any restitution due to the complainant for various reasons. These reasons included: disagreement between the Public Trustee's Office and the complainant over the quantity and condition of certain "bulk items" (wood and hay) alleged to have disappeared from her property; that further to the sale of certain necessary items, replacement items had been purchased for the complainant; and that certain items that were sold were no longer necessary to the complainant as they were included with the rent at her new premises.

Despite the response from the Public Trustee's office, I was concerned that, based on the evidence in the Public Trustee's own file, certain items shown as belonging to the complainant prior to her move, were not accounted for as being auctioned or returned to her. Regrettably, no

inventory had been made of the items destroyed with the house. However, based on our review, this may be explained in the context of the extreme clutter within the house and the risk to those entering the premises. Fortunately, a Rehabilitation Counsellor from the institution where the complainant was hospitalized had compiled a list of household items which the complainant apparently considered to be "of some value". The Public Trustee's Office also prepared two lists of items removed from the complainant's home to two other premises. Lastly, there was a list of items sold at auction. Notwithstanding that particular items were described differently by the various recorders and that some larger goods were broken down and sold as smaller separate items at auction, certain property simply could not be traced. I was of the opinion that there should be a recognition by the Office of the Public Trustee of this apparent loss, and that some compensation should be provided to the complainant as recognition of that loss.

Further discussions ensued between an Investigator with my office and staff from the Office of the Public Trustee. I understand the Public Trustee considered the matter further. Subsequently, our office was advised that the Public Trustee agreed that some compensation was owing to the complainant for the losses she suffered in the handling of her property. We were further advised that a cheque in the sum of $100.00, plus interest, made payable to the complainant was sent to her by the Public Trustee's office as restitution.

In the circumstances, it was not possible to quantify the actual loss suffered by the complainant. However, I was satisfied with the Public Trustee's acknowledgement that the complainant had suffered a loss and that some payment in recognition of that loss was made to the complainant.

89-110-45 Manitoba Housing

Review of procedure used by the Registrar of The Private Investigators and Security Guards Act regarding refusal to grant or to renew a licence.

An individual had complained to our office that his application for a security guard licence had been unfairly denied by the Registrar of *The Private Investigators and Security Guards Act*. In reviewing the matter, the Ombudsman was unable to find that the Registrar had acted unreasonably in exercising his discretion not to issue the individual a licence. However, having reviewed the situation, certain administrative issues arose that were of concern to the Ombudsman and these were raised with the Registrar.

A business employing private investigators or security guards must apply to the Registrar of The Private Investigators and Security Guards Act for an annual licence for each of its employees hired as a private investigator or security guard. The Registrar may decide not to provide a licence for various reasons set out in the Act, including where, in the opinion of the Registrar, it is in the public interest not to provide a licence.

The Private Investigators and Security Guards Act sets out that the Registrar shall not refuse to grant or to renew a licence without giving the applicant an opportunity to be heard. It came to our attention it was the normal administrative procedure that, where the Registrar refused to grant or to renew a licence, he would advise the applicant company, not the individual, of his decision. Respecting the applicant's right to be heard, the Registrar would informally ask the company to tell the individual that he or she could contact the Registrar to arrange a meeting to discuss the decision further.

It was our concern that the administrative procedure in use did not ensure that an individual would necessarily be advised of his or her statutory right to be heard by the Registrar. The hearing, we understand, is essentially a right of appeal of the Registrar's decision.

It was also our concern that an individual who was not granted a licence was not necessarily being advised of his or her right of appeal to the Court of Queen's Bench, regarding the Registrar's involvement. *The Private Investigator and Security Guards Act* provides an appeal to the Court of Queen's Bench by way of a trial de novo (as if the matter had never been considered before) to any person whose licence or right to a licence has been affected by the Registrar. Our office felt this would be relevant for an affected individual to know. Although the hearing before the Registrar is a form of appeal, it involves the same decision-maker who made the initial determination; the appeal to Court allows the matter to be considered totally afresh by a second individual.

Another right under *The Private Investigators and Security Guards Act* is that any person, whose licence or a right to a licence may be affected by a hearing held under the Act, is entitled to be represented by counsel at the hearing. This would appear to apply both to a hearing before the Registrar and an appeal before the Court. We felt an unsuccessful applicant should be apprised of this right too.

We raised our view with the Registrar that these various rights should be made known, in writing, to every individual whose application for a private investigator or a security guard licence is unsuccessful.

The Registrar considered the matter and drafted a form letter to be signed by him and sent directly to all persons whose licence application is denied. I am satisfied that the information contained in this letter, now in use, fully and clearly sets out the statutory rights available to unsuccessful applicants.

Our office has been consistent over the years in encouraging departments to include in any correspondence denying a person a right or privilege, all relevant information on what statutory or administrative appeal route(s) may be available as a next step. I thank the Registrar of *The Private Investigators and Security Guards Act* for his cooperation in this particular matter.

90-110-69 **Manitoba Justice/Family Services/Housing**

Landlord suffering financial loss due to looking after the affairs of a former tenant suffering from health problems.

This case was originally opened under Manitoba Justice as it appeared the Office of the Public Trustee may have been primarily involved in this dispute. However, after many inquiries relating to the complaint, it is now apparent that it would have been more appropriate to open the file under Manitoba Family Services.

In April 1990, a landlord contacted our office expressing concerns about a situation involving a former tenant. He advised that in September 1989, he gave his tenant notice to move out. The tenant did not move out nor was the October 1989 rent paid. As the tenant was on social assistance with the City of Winnipeg, the landlord contacted that department requesting the October rent. The landlord was informed that the tenant had not attended the office to sign forms requesting further assistance, thus benefits were terminated. The landlord advised City Social Services Department that the tenant was ill and needed assistance. The City replied that they were unable to provide further assistance. The landlord stated that for the next few months he attempted to obtain assistance for the tenant by contacting a variety of provincial and municipal offices as he felt she was "a very sick lady". During that time the tenant remained in the apartment and the landlord did not receive any rent.

The landlord indicated that he spoke with the Public Trustee's Office after which, several attempts were made to remove the tenant. In late November 1989, the Mobile Crisis Team (Department of Health and Family Services) became involved to assess the situation. In December 1989, the tenant was taken to the hospital under an Order for Involuntary Examination under *The Mental Health Act*. The tenant was admitted to the hospital and remained there until her release in January 1990. Upon release, she began receiving provincial social allowances. While she did not return to her former address, her furniture and personal belongings remained there.

When the landlord initially contacted our office, he expressed concerns regarding the unpaid rent; his inability to obtain assistance for the former tenant; his desire to have her belongings removed; reimbursement for the cost of packing her belongings; and reimbursement regarding the storage of her belongings.

After follow-up by our office, the landlord was reimbursed through the provincial social allowances program for the cost of packing his former tenant's belongings, and her possessions were finally removed from the landlord's care in May 1990. The landlord, however, still had not received any reimbursement for October, November and part of December's rent, nor for the storage of her belongings from mid-December until they were removed in May 1990.

After our office raised the landlord's concerns with the Department of Health and Family Services, the community mental health worker, requested Provincial Income Security (the branch of Manitoba Family Services which administers the provincial social allowances program) give special consideration to the landlord's request for

storage costs. This request was denied. Our office then began an in-depth examination of the situation. The matter was discussed with Landlord and Tenant Affairs, the Social Services Advisory Committee, the Public Trustee's Office, City Social Services Department, the hospital, as well as Provincial Income Security and Community Mental Health Services. The Provincial Income Security file and Community Mental Health file were also reviewed. Following further discussions with Community Mental Health Services, they advised they were prepared to examine the situation further to see if they could assist in any way to resolve the landlord's remaining concerns. (I would just like to note that our office encourages departments to try to resolve matters internally before formal action by our office is necessary.) In December 1990, the Acting Mental Health Supervisor, made a request to the Director of the Provincial Income Security Office stating:

> "Since April of 1990, much correspondence has been generated concerning the above named and her accommodation woes. The one constant from a social perspective, is that (the landlord) was concerned enough about one of economic security/mental health consumers, that he took it upon himself to go beyond the normal/legal responsibilities of a landlord. It would appear, given a review of all information, that a breakdown in communication/service resulted in (the landlord) being inconvenienced financially.
>
> As has been mentioned previously, it would seem to the writer that an act of good will is called for in this instance. Given that our programs intrinsically postulate wellness and helpfulness on an individual basis, it would not be too much of a stretch to reimburse (the landlord) the amount of $250.00 for 5 months storage. I trust that your office can once again review this request and respond favorably."

This request was also refused on the basis that Income Security's mandate is to respond to immediate needs and cannot assume responsibility for cost based on past circumstances.

From October 1989 until January 1990 the tenant had health problems interfering with her ability to adequately care for herself and her affairs. This created a difficult situation for the landlord. He could have evicted her but chose not to, given her state of health. It would appear the landlord could have taken the former tenant to Court on this matter; however, he recognized that being on social allowances did not afford her additional funds to pay these types of expenses. It seemed to our office that the landlord attempted to assist his tenant during the time she was experiencing health problems and as a result, he suffered financial loss. It also appeared the costs absorbed by the landlord would otherwise have been incurred by either Provincial or City Social Assistance.

While this file had initially been opened under the Department of Justice, our investigation included the Department of Health and Family Services, and the Department of Housing. Our review did not find any specific Provincial Department administratively at fault for the landlord's grievances; however, we felt special consideration should be given in this situation. Accordingly, in August 1991, our office requested the Department of Family Services review this matter and consider compensating the landlord for the financial loss he incurred in this situation.

The Department reviewed the situation and met with the landlord and other parties involved in this matter to examine the issues in further detail. In October 1991, following its review, the Department advised it felt the actions of their staff were appropriate and within the parameters of the social allowances program. However, in view of the unique circumstances of the situation, special consideration was given to compensating the landlord for some of his losses. The Department agreed to pay the landlord for storage of his former tenant's belongings for the period she was enrolled in the provincial social allowances program.

It is heartening to see Departments give special consideration to situations by looking at the unique circumstances involved. We recognize that the Department was instrumental in convincing the tenant to place her possessions in storage while she looked for new living accommodations. This action addressed one of the landlord's concerns. As well, after bringing the matter to the Department's attention, the packing costs were readily reimbursed to the landlord. Due to a lack of jurisdiction, our office was unable to pursue any further consideration by the City Social Assistance office relating to the exten-

sion of benefits which may have resulted in the landlord receiving the rent to which he was entitled. Based on our review, we did not feel their were sufficient grounds to pursue a formal recommendation with any provincial government department to address the landlord's remaining concerns and our file was closed.

91-110-103 Manitoba Justice

Inmate alleges unfair refusal by Institution to purchase eyeglasses for her.

In April 1991 our office was contacted by an inmate who stated that she was in desperate need of a pair of eyeglasses. She advised that she had no financial resources to purchase the glasses herself and the Institution refused to buy a new pair for her.

It is our understanding that in December 1990 the Institution purchased eyeglasses for this inmate. However, in January 1991, another inmate took the glasses with her when she was released from the Institution. Since that time our complainant was trying to make do with contact lenses and a pair of outdated prescription glasses. She indicated that the continued use of this eyewear was responsible for the severe headaches she was experiencing. I note that this inmate required high index lenses due to the strength of the prescription required.

Initially when we made inquiries with the Institution we were advised that any further purchase of eyeglasses or contact lenses was the inmate's responsibility. The situation was discussed with the nurse and doctor at the Institution, the Deputy Superintendent, and the Medical Director for Corrections. As well, the Correction's policy on Ophthalmology and Optometry Services was reviewed. The policy stated that "Irresponsible loss and damage of glasses provided in a one year period will be taken into consideration, except where continued use demands replacement or repair in the opinion of the consultant". According to the Medical Director, the consultant was an ophthalmologist or optometrist.

It was our feeling that given the persistent problem of the inmate, it would seem reasonable that the Institution have her eyes examined by a specialist to determine if in fact it was necessary to replace the glasses.

This issue was discussed with the parties involved on a number of occasions. The Institution was reluctant to facilitate an appointment with the specialist as they felt the inmate had lost the glasses irresponsibly and questioned the necessity of glasses as the inmate had contact lenses. Nevertheless, we still felt that the decision to deny eyeglasses should be made in consultation with a specialist in the field.

In October 1991, after considerable urging by our office, the Institution agreed to contact the inmate's optometrist to clarify the situation. Shortly after we were advised that the optometrist stated that the inmate should have an alternate to contact lenses. Accordingly, the Institution agreed to purchase new eyeglasses with the inmate contributing a portion of her incentive pay toward the cost.

The action taken by the Institution concluded our file on this matter. However, I must be critical of the length of time it took the Institution to address this situation. A simple telephone call to the specialist could have provided clarification much sooner and perhaps could have eliminated some of the discomfort the inmate experienced.

91-110-136 Manitoba Justice

Alleges unfair investigation by Manitoba Human Rights Commission regarding complaint of racial discrimination.

In June 1991 our office was contacted by an individual who had been advised that the Manitoba Human Rights Commission (MHRC) had dismissed his complaint of racial discrimination. Our complainant felt that the Commission failed to interview individuals he identified as potential witnesses.

The allegation of discrimination stemmed from an incident at a hotel where the complainant believed he was provided with discriminatory service in that a social function was moved within the hotel to, what our complainant felt was, a less desirable location. The complainant alleged that the decision to move his function was racially motivated.

The Commission was advised by the hotel that the original room for the social function was a guest room and

that they had discouraged and often refused use of this room. It was further indicated that the room had not been properly reserved through their front desk.

The MHRC investigated the complaint and confirmed that the function was moved to another room in the hotel but did not find evidence to suggest that the individual's race was a motivating factor. The Commission compared the two rooms and found the original room more aesthetically appealing but found the other room to be spacious and comfortable.

In reviewing the Commission's investigation we noted that several individuals were interviewed. We were advised by the Commission that some of the individuals identified by our complainant as witnesses were not interviewed as the Commission was of the view that no information had been presented that would indicate that they had direct knowledge of the hotel's reasons for relocating the function.

The Commission explained that in order to substantiate the complaint it was necessary to prove on the basis of a balance of probabilities that the hotel's reasons for moving the function were racially motivated. In the opinion of the Commission, no information was presented that caused them to question or doubt the non-discriminatory reasons provided by the hotel.

Our office reviewed the submission by our complainant and also the Human Rights Commission's file. Our Investigator met with the Director and discussed our complainant's concerns.

In our report to the complainant we acknowledged that there was an individual that the MHRC could have interviewed who may have had direct knowledge of statements made by hotel staff regarding the events in question. It was our understanding that this witness was the bellman who, acting on instructions from hotel management, assisted with the moving of the function. As well, it was indicated that prior to the case going before the Board of Commissioners the complainant apparently had advised the Commission that he would submit statements from his witnesses. However, the statements were never given to the Commission for their consideration.

We concluded that perhaps the Commission could have interviewed additional individuals but our review did not indicate that the decision of the Commission to dismiss the complaint was wrong or unreasonable.

While there were no recommendations that could be made on this case, we wrote the Commission and commented further on some of the points raised by the complainant. It was indicated that I could appreciate the problems associated with determining who should be interviewed for investigation purposes. However, in considering the difficulties complainants encounter in trying to substantiate their complaints of discrimination, such would seem to highlight the importance not only of fairness itself, but also the appearance of fairness as far as the Commission's investigation of complaints is concerned. It seemed to me that in fairness to our complainant the Commission could have clarified the bellman's knowledge of the events. Nevertheless, I agreed that no evidence was presented to the Commission that would support the complainant's position that the decision to move the function was racially motivated. As such, I did not find their decision unreasonable.

Upon receiving our report, I was contacted by the complainant who requested a meeting with me to discuss his case. In our meeting he raised issues which seemed to require further clarification. Accordingly, my Investigator contacted one of the Board members as well as the Vice Chair-person for the Board of Commissioners. In a closing report to our complainant we advised that our further review of the matter did not provide cause to alter our position from our previous report. It was indicated that while we were somewhat critical of the Commission for not interviewing one of the witnesses I was unable to conclude that the decision to dismiss his complaint was wrong or unreasonable.

We recognize that the Commission no doubt must assess whether in its opinion an individual may or may not have information relevant to an investigation. To avoid unnecessary delays in the investigative process, decisions may be made that take into account the balance between the need for a timely investigation and probability of further action achieving positive results. This case highlighted some of the concerns faced by investigative bodies when determining how far is far enough.

91-110-183 Manitoba Justice

Review of Conduct of Hearing Officers.

Over the years, many complaints have been received by our office regarding the conduct of hearing officers in Small Claims Court. By the terms of *The Ombudsman Act*, our jurisdiction regarding specific complaints is somewhat limited in that the Ombudsman is not authorized to investigate any order, decision or omission of a court, judge, referee, master, magistrate or justice of the peace in an action or proceeding in Court. Accordingly, we have handled such matters by opening files concerning specific complaints received, then formally referring the complaints to the Department of Justice for its review and, subsequently, closing our files.

A new file was opened in 1991, when our office raised concerns with the then Deputy Attorney General relating to what appeared to be a lack of a review and disciplinary process concerning hearing officers in Small Claims Court. At that time, it was acknowledged that there was a problem with the accountability of hearing officers. We were told that the Manitoba Law Reform Commission was then completing a report on magistrates and justices of the peace, and that the issue was expected to be addressed in that report.

We continued to monitor this issue. We under-stand the Manitoba Law Reform Commission Report, "The Independence of Justices of the Peace and Magistrates", now published, has been reviewed by the Department. We are advised that, although the document did not specifically address Small Claims Court hearing officers, consideration is being given to establishing the independence of all judicial officers. The reason for this, we are advised, is that hearing officers in Small Claims Court, and a much larger group of magistrates and justices of the peace, although appointed under legislation, have not been assured of the independence of their decision-making ability in court. We are also advised that accountability mechanisms are not currently clearly set out.

At the time of writing this report, we are advised that a review by the Courts Division is underway (under the supervision of the Chief Justice of the Court of Queen's Bench) to consider the needs and issues associated with the operation of the Small Claims Court. We have been informed that the review centers around the need for judicial accountability for hearing officers presiding in Small Claims Court, and also the need for an effective operation of the Court. To date, work in this regard has apparently included an internal review of all complaint files, appeal outcomes for a sample period, observation of Small Claims Court officers in court at various locations in Manitoba and discussions and meetings with staff.

It is apparent that the issues we raised are being addressed by the Department, through what appears to be a comprehensive review of the objectives and processes of the Small Claims Court. We look forward to any legislative amendments and/or administrative changes that will increase the effectiveness of, and public satisfaction with the Small Claims Court process.

90-320-5 Manitoba Labor

Question of whether Manitoba Labour Board should give parties information in writing regarding appeals.

Another file opened on the Ombudman's own initiative, relating to the providing of appeal information to affected parties, involved the Manitoba Labour Board. This issue became apparent to our office in the course of investigating an individual's complaint (not supported by our investigation) against the Manitoba Labour Board.

It came to our attention that the Manitoba Labour Board, when issuing written orders under *The Labour Relations Act*, was not providing parties to the matter with information about appeal routes available further to the Labour Board's order. It was our feeling that, in fairness, this was important information to convey to parties to the matter, especially where one of the appeal routes available under *The Labour Relations Act* - - a request for a review by the Board of its disposition - - must be made within 10 days of the Board's disposition. In contrast, when the Manitoba Labour Board made rulings under *The Employment Standards Act*, it included with its disposition, written notes concerning the available appeal route.

Our office wrote to the Registrar of the Manitoba Labour Board, inquiring whether it may be of some benefit to provide parties to *The Labour Relations Act* hearings with written information on appeals. Our office was

periodically in touch with the Registrar while this matter was being discussed and considered by the Manitoba Labour Board.

The Registrar wrote to our office in February 1992, advising that "effective immediately" explanatory notes respecting the review and appeal procedures available pursuant to *The Labour Relations Act* were being incorporated into all Labour Relations Act orders issued by the Manitoba Labour Board. Our office was provided with a copy of the explanatory notes which, essentially, consisted of quotations of the relevant provisions of *The Labour Relations Act*.

The contents of the explanatory notes and their inclusion with all Labour Relations Act orders satisfy my concern in this matter. As I have advised the Manitoba Labour Board, I am pleased to see a procedure in effect where review and appeal information under *The Labour Relations Act* is automatically and consistently being provided to affected parties. The providing of such information is consistent with the Manitoba Labour Board's procedure in *The Employment Standards Act* proceedings and is in the spirit of natural justice.

91-360-12 Manitoba Natural Resources

Alleges inappropriate actions by Department official caused this complainant difficulty in the operation of his business.

In September 1991, the Ombudsman received a letter from a solicitor on behalf of his client, who operated a business in Manitoba as a hunting guide/outfitter. The solicitor advised that, under *The Freedom of Information Act*, his client had obtained a letter (written by an employee of the Department of Natural Resources) which he found to be offensive. The letter in question was addressed to an American resident who had used the services of this particular outfitter. This individual had communicated with the Department, alleging certain improprieties as to the hunting practices of the outfitter. The Department subsequently wrote to the individual and it was this letter of reply which was found to be offensive.

The solicitor for the outfitter indicated that the Department's letter had been used by the American hunter to "slander, defame, malign, and injure Mr. (name)'s operation." The solicitor indicated that his client was of the opinion that the Department's letter had encouraged and endorsed the American hunter. The solicitor expressed his client's concerns about the problems that a civil servant, acting in a regulatory capacity, can cause to a business by issuing what he described as an "irresponsible response."

As a result, our office contacted the Department of Natural Resources and subsequently met with the Director of Regional Services, reviewed file documentation and also met with the individual employee against whom the complaint had been made. The employee in question advised that his only intention in writing the letter was to encourage the American hunter to submit his written complaint to the Department. He did admit, however, that the wording of his letter was poor and that he could see how it could be used against the outfitter.

As a result of this review, I communicated with the Acting Deputy Minister, Department of Natural Resources, informing him of the details of the complaint, as well as my opinion that while it was not felt that the employee had intended to act inappropriately or in bad faith, nevertheless, the statements made in the letter were felt to be inappropriate, particularly since it appeared as though no investigation of the American hunter's complaint had been conducted. It also appeared, from file documentation, that the accusations had never been substantiated. I recommended that the Department provide an apology to the outfitter as a result of the inappropriate comments made in the letter.

Subsequent to this recommendation, I received a letter from the Acting Deputy Minister, thanking me for my comments and recommendations on this matter. I also received a copy of a letter addressed to the outfitter in which the Acting Deputy Minister confirmed that he had spoken to the employee about these matters and that the employee regretted any implication in the letter that may have been used to injure his reputation. The Acting Deputy Minister also expressed his regrets if the letter had been used in any way that might have been harmful to the outfitter's reputation.

While the outfitter subsequently expressed some reservations about the letter of apology he had received, I informed him and his solicitor that I was of the opinion

this letter satisfactorily addressed the issues raised in his letter of complaint to our office.

89-350-79 Manitoba Public Insurance Corporation

Alleged improper use of confidential report to deny autopac claim.

Initially the complainant in this case approached our office with a concern over the Corporation's use of a confidential Transport Canada Report to deny his claim. The case also received considerable media coverage when the complainant decided to raise his concerns in the public forum.

In reviewing this matter it become apparent that there were more issues needing clarification then simply the obtaining and use of the Transport Canada Report by the Corporation. There were many concerns that surfaced during our review of this matter, many of which involved the actions and decisions of individuals or agencies outside the jurisdiction of the Ombudsman. Although I must limit my comments and concerns only to the actions of the Manitoba Public Insurance Corporation, I feel that our complainant had good reasons to feel that he had suffered injustices through the actions of others.

In summary, our complainant was involved in a very tragic accident in 1976 in which five people lost their lives. Following the accident our complainant retained a solicitor who commenced negotiations to settle his claim.

Problems arose however as liability for the accident appeared to be an issue. The RCMP concluded that our complainant was not at fault for the accident. A review of the Corporation's file also indicated that the Corporation had legal opinions on file that suggested our complainant could not be held responsible for the accident. Nevertheless, negotiations proceeded with the Corporation taking the position that our complainant was in the most part responsible for the accident.

It seemed to me that the Corporation was basing its position on communication between the University of Manitoba Accident Research and Safety Unit and the Transport Canada Report which the Corporation received at a later date. I could not understand how the Corporation could use this report as its basis to establish liability. The Project Director and Principle Investigator who was involved in the preparation of the Transport Canada Report stated in writing:

> *"If the Manitoba Public Insurance Corporation received a copy of this report it would have to come from Transport Canada. However, the passing of these reports alone for other uses would be surprising to me. It was generally understood that these reports would be used for scientific research purposes only; and would be sanitized to a degree that use for other purposes would be impossible".*

This individual went on to say;

> *"These so called multidisciplinary accident reports were in no way intended to lend support to any law enforcement agency. It is my understanding that Mr. _____ was totally absolved of any blame by the Police Force charged with the responsibility of investigating this crash. Surely this ought to be the final word in any settlement".*

Nevertheless, as previously indicated, the Corporation continued to hold our complainant responsible for the accident and although he retained several solicitors to act on his behalf the dispute remained unresolved for years.

In 1989 it appeared that the matter would finally proceed to a conclusion when the complainant retained a solicitor who wrote the Corporation saying he would like to enter settlement negotiations. His request however was met with a motion to dismiss the action. This motion was granted by the Court.

A review of this matter included the decision of the Corporation to file a motion to dismiss the action. In reporting to the Corporation I stated:

> *"I accept that the length of time that has past since the examination for discovery in 1981 may have prejudiced the Corporation's ability to defend the issues of liability and quantum. I would also suggest that Mr. _____'s ability to prove his claim may have been prejudiced by the delay. Nevertheless, in considering the*

respective positions, I fail to see how this prejudice could result in significant impairment to the Corporation in reaching a reasonable settlement".

Excerpts from my report to the Corporation are as follows:

"If the Corporation is relieved from the obligation to make financial compensation for losses that it would otherwise be obliged to pay, it would appear the Corporation benefits. With this in mind I feel the Corporation must ensure that actions to relieve itself of financial obligations can be defended on the grounds of fairness and equity and not on strictly legal grounds or technicalities".

"I acknowledge that the Corporation has a legal right to take the action it has and I understand the delay might have prejudiced both parties' ability to support their position. Nevertheless, I believe that in this case justice would best be served by looking to principles of fairness and equity rather than looking to strictly legal rights. I do not see how justice will be offended by the Corporation's agreement to consider a fair settlement if Mr. _____ can clearly identify losses he suffered as a result of the accident and if the Corporation in considering a further claim in good faith is able to satisfy itself that it may have otherwise been obliged to honour the claim. It seems to me that no harm would be done and fairness would be enhanced".

"It is evident that Mr. _____ should and could have received some compensation from the Corporation for losses incurred as a result of the accident in 1976. As previously stated if a settlement is reached with Mr. _____ that is fair and equitable it does not appear that any harm has been created and, I would suggest, justice would be served. If no settlement is reached and the Corporation relieves itself of its obligation to provide a fair settlement to Mr. _____, the Corporation benefits, and I would suggest that justice based on fairness would not be served".

We subsequently received a response from the Corporation noting that it took strong exception to a number of points made in our report particularly the observation that the Corporation compromised the principles of fairness and equity in its dealings with our complainant and his solicitors. Other than making the statement that it took strong exception to a number of points in our report, the Corporation provided no further rebuttal which would support its objection or alter our feelings on the matter. The Corporation in the same response advised that in the interest of all parties concerned the Corporation was prepared on a without prejudice basis to initiate discussions with Mr. _____'s lawyer in an effort to bring this long standing matter to a conclusion. Approximately three months later a settlement was reached and we closed our file.

I believe that our complainant in this case was not treated fairly by a number of agencies and individuals and it is unlikely that all involved will have to account for their actions. The Corporation by agreeing to settle this matter when it was not legally obliged to do so, offset some of the unfair treatment this individual received.

90-350-33 Manitoba Public Insurance Corporation

Questioning MPIC's action of providing lawyer to represent third party in small claims court hearing.

The complainant in this case raised an issue that had been a concern of our office for many years. It involved the Corporation providing legal representation to defend an action in Small Claims Court for the recovery of an insured's deductible portion of his/her insurance. In my opinion, this practice, which was supported by legislation, did nothing for fairness and equity and did not allow for reasonableness in decisions relating to the provision of legal representation by the Corporation.

Problems arise when the Corporation proposes a 50/50 division of responsibility for an accident based on the fact that both parties to the accident have made conflicting statements and there is no independent evidence to determine responsibility. In this case both parties recover only one half of their respective deductibles.

If one of the parties dispute the assessment he/she may proceed to Small Claims Court to have the liability determined. While the Corporation can not provide legal assistance to the party initiating the action, the Corporation was obliged by law to provide legal assistance without cost to the other party to defend against the action.

Our office received many complaints over the years concerning this practice. We raised the issue with former Presidents and General Managers of the Corporation and the matter was raised in previous annual reports. We had suggested that consideration be given to removing the legal obligation placed on the Corporation to defend actions in Small Claims Court for the recovery of deductibles.

From inquiries made with the Corporation, we had reason to believe that action was being considered to address the matter. In my 1988 Annual Report I indicated that I understood amendments to the Act and regulations relieving the Corporation of responsibility to defend actions in Small Claims Court, had been drafted. However, in response to the comments in my Annual Report, the Corpora-tion advised that:

> *"The question of the Corporation providing a defense to Small Claims Court actions is one of the areas that was of interest to the Autopac Review Commission which is studying MPIC's operations. We are currently awaiting the recommendations of the Commission".*

After the many discussions that had taken place on this matter and in view of the comments in my Annual Reports, I found it surprising that the Corporation would feel it necessary to await further prodding from yet another source before taking action to resolve the matter.

Shortly thereafter, the Autopac Review Commission released its report and, as expected, it supported the concerns we had previously raised with the Corporation regarding this matter. The Commission recommended:

> *"That <u>The Manitoba Public Insurance Corporation Act</u> be amended to relieve the Corporation of the responsibility to defend an insured who was sued in the Small Claims Court for the recovery of a deductible on a vehicle repair claim".*

As we understood that the Government would be reviewing the Commission's report with the view to implementing the recommendations contained therein, we did not pursue the matter further at that time.

As no changes to legislation or regulations had been made by 1991 regarding the issue of legal assistance in Small Claims Court actions, further inquiries were made with the President and General Manager of the Corporation. We were advised that the Government still had the recommendation on this issue under consideration. Accordingly I wrote the Minister responsible for the Manitoba Public Insurance Corporation advising of our concerns with the practice of providing lawyers to represent respondents in Small Claims Court hearings, concerns which dated back beyond the report of the Autopac Review Commission. I sought clarification on the Government's intention regarding the matter.

Shortly thereafter I was advised that the Autopac Review Commission's recommendation was accepted in principle with a slight modification. I was informed by the Minister that:

> *"Rather than completely relieve the Corporation of its previous responsibility, I have chosen to make it optional. This will still allow the Corporation the discretion to provide a defense to an insured defendant in cases where the Corporation deems it essential".*

The change was effective May 1, 1992 when an amendment was made to Manitoba Regulation 290/88R under *The Manitoba Public Insurance Corporation Act*. Legislative change was not needed.

It seems that initially the concerns raised by my office several years previously were not treated seriously. An amendment to the regulation to address a rather inequitable practice should not have taken years to be considered nor in my opinion should the Corporation have had to look for support from other sources before proposing such an amendment. In this case it was only after our office wrote to the Minister that the issue was resolved.

I prefer to resolve concerns relating to administrative matters informally with the Corporation without the need to raise issues with the Minister. However, at times it seems that the Corporation does not want to acknowledge that it initiated corrective or positive action based on the Ombudsman's involvement. If this attitude creates an obstacle for informal resolution of concerns between our respective offices, it may be that more issues will be raised formally with the Minister.

91-350-16 Manitoba Public Insurance Corporation

Alleges unfair treatment regarding autopac claim.

This case involved what we considered to be an unreasonable denial of coverage by the Corporation. An additional concern surfaced during our investigation of this matter and that was an apparent reluctance of the Corporation to appreciate or address the issues raised by our office.

Briefly, our complainant was involved in an accident as a result of his vehicle experiencing a power surge. He was forthright with the Corporation in explaining the problem and advising the Corporation of the efforts he was making to have the problem resolved. Our complainant continued to drive his vehicle while attempting to have the problem identified and repaired.

The Corporation clearly knew the circumstances of the accident, but took no action to have the vehicle declared unsafe. In addition, there was no evidence that the Corporation advised the complainant that his coverage would be denied if he experienced another accident as a result of a further power surge.

The complainant subsequently had another accident approximately 6 months later and his claim was denied by the Corporation. The Corporation's Claim Centre Manager wrote to our complainant advising that the loss for collision damage did not occur from an accident. The manager advised "coverage pertains to direct and accidental loss to an Insured vehicle. This loss was foreseeable due to prior motor runaway occurrences". The manager went on to say that "Until the mechanical problems to your vehicle have been corrected, we strongly recommend you cease operation as to do so will affect your coverage as it pertains to future losses with this vehicle".

I note that our complainant received no such written warning after the first accident and this warning was received after denying the second claim. Additionally, it was only after the second accident that the Corporation took steps to have the Department of Highways consider cancelling the vehicle registration for safety reasons.

Our office referred the matter to the Vice- President of Claims and we were advised that the denial of the claim was correct. We were advised that there was no coverage provided if the insured, knowing the risk, exposes the vehicle to probably loss or damage.

Our office obtained further information on this matter through file reviews and discussions with Corporation staff. Based on the information received, it was felt that the Corporation's position was arbitrary and harsh. The matter was further discussed with the Vice-President and the matter was reconsidered. Again we were advised that there would be no change in the Corporation's position.

The Deputy Ombudsman wrote to the Vice- President indicating that I was considering a formal recommendation to the Minister and outlining the following concerns which we had with the Corporation's position:

1. The Corporation was aware that the first accident was caused by power surges as the insured had been up front about the cause. The Corporation however, to our knowledge, did not advise the insured that his coverage would be denied if he were to get into another accident.
2. It was only after the second accident that the Corporation took steps to have the vehicle declared unsafe and also to let their insured know that continued driving would affect his coverage.
3. There was evidence that the insured had been attempting to have the problems rectified and in fact, did some repairs to the vehicle.
4. The denial of coverage on the basis that the collision damage did not occur from an accident was questionable. The Corporation stated that the loss was foreseeable but we suggested that the only possible occurrence that was foreseeable was the power surge.

Even in that case, I would suggest that the insured could not foresee when, how, or if a power surge were to occur. We also questioned why the insured should have foreseen an accident occurring when he and others when driving the vehicle experienced a power surge with no accident taking place.

5. The statement that there is no coverage provided if the insured, knowing the risk, exposes the vehicle to probable loss or damage was not clarified. We were not aware of any provisions of *The Manitoba Public Insurance Corporation Act* or regulations that provides denial of coverage because of exposure to risk. We suggested that weather warnings issued by the RCMP saying conditions are hazardous and for individuals to stay off highways, do not prevent a person from driving on these highways and receiving insurance coverage should they become involved in an accident.

6. In fairness to the insured the Corporation should have clearly advised him after the first accident if the Corporation's intentions were to deny coverage for any future losses as was done after the second claim was made. In addition, the Corporation knowing the circumstances could have taken action to have the vehicle declared unsafe after the first accident rather than waiting until a second accident occurred.

A few days later we received a response from the Corporation that did not address our concerns but rather attempted to support the denial. We were advised that "in order for our denial to succeed, the onus would be on the Corporation to firmly establish that there was an intentional courting of an acknowledged risk on the part of the insured". Basically, the Corporation continued to suggest that denial was appropriate based on the insured's knowledge of the mechanical problems with the vehicle.

It was indicated that the Corporation might need to proceed to an examination for discovery to clarify the advice received by the insured regarding the problems with the vehicle. However the Corporation advised that the benefit of the doubt would be extended to the insured and the claim would be honoured.

We wrote back to the Corporation noting that our review of the Corporation's initial decision to deny the claim suggested that the decision was arbitrary and harsh. We noted that the concerns with the denial as outlined in our previous letter to the Corporation did not appear to be addressed. We advised that in reviewing the Corporation's most recent correspondence we had not been provided with any new information that would alter our initial position in this matter.

A further concern had been received from our complainant, namely, that he felt the Corporation should pay interest on the settlement from the time of the denial. We advised the Corporation that it would appear our involvement in the matter was not concluded and we would wait for the settlement to be finalized. Shortly thereafter we were advised that the claimant had reached a satisfactory settlement and interest was included.

In summary, it is apparent that the Corporation's denial of coverage was based on the fact that their insured was aware of potential operational problems with the vehicle, thereby exposing the vehicle to probable loss or damage. I am not aware of any provisions under *The Manitoba Public Insurance Corporation Act* or regulations that allow denial of coverage based on exposure to risk and I feel the original denial was certainly arguable, if not clearly wrong.

I did not feel a formal recommendation was necessary in this case as the circumstances will not likely be repeated. Nevertheless, I was concerned with the resistance shown by the Corporation to either accept the arguments put forward by our office or to provide our office with an adequate response to support its denial.

90-410-67 Workers Compensation Board

Concern over termination of benefits.

Our office was contacted by an individual following a decision by the Workers Compensation Board (WCB) to terminate his compensation benefits.

As a result of being struck in the back with a metal pipe, the complainant initiated a claim with the WCB in

September 1982. The Board accepted responsibility for the claim and paid benefits until November 1984 when the Board considered that the claimant had recovered from the injury. The claimant, dissatisfied with the discontinuance of benefits pursued the matter with the Board. Consequently the Board referred the claim to a Neurosis Review Panel in November 1987 as file information indicated the claimant had a possible post-traumatic neurosis. The Panel indicated that the complainant had a depressive condition and related it to the work-related injury.

In December 1987, the Board awarded temporary total disability benefits retroactive to August 1984. The Board's decision seemed to be based largely on the findings of the Neurosis Review Panel. In addition to retroactive benefits, the Board appointed an independent rehabilitation service to work with the claimant. As well, the Board agreed to provide upgrading and retraining assistance.

The complainant enrolled in an upgrading program which consisted of working on English language skills. However, as a result of ongoing pain he felt he was unable to continue in the program and he subsequently resigned. This action was supported by his family physician and his rehabilitation counsellor with the Society for Manitobans with Disabilities Inc.

At this point the previous Chairperson of the Workers Compensation Board wrote the claimant expressing indignation stating:

> *"... I note that you quit your upgrading program, light as it was, after only one month! I personally find your actions to have completely broken your verbal agreement with Board.*
>
> *Further, I have lost faith in your creditability based on such a pathetic effort toward fulfilling your side of the agreement.*
>
> *Therefore, through this letter, I am recommending termination of all compensation payments to you effective July 14, 1989."*

The complainant and his family physician met with the Board Chairperson and put forward arguments that he was in too much pain to continue in the upgrading program. Nevertheless, the Board discontinued benefits as it considered that the claimant had been provided every opportunity to rehabilitate himself but "rather than do so, the worker continued a clear pattern of claiming total disability because of pain when any doorway was opened which might eventually lead him off compensation benefits and back to work".

The Board was of the view that the weight of the medical information did not support that the worker was totally disabled. The Board indicated that they had expected full cooperation from the worker in his rehabilitation which included "putting up with discomfort while undertaking upgrading". The Board felt the upgrading was within his abilities.

Following our review of this case, I wrote to the current Chairperson of the WCB and commented that the grounds for the termination of benefits appeared to be that the previous Chairperson of the Board felt the worker was not totally disabled and was not cooperating with the rehabilitation plans. Information on the claim file seemed to show that the claimant did not arbitrarily decide to withdraw from the course. There were specific references by his doctor and the Rehabilitation Counsellor which seemed to indicate that the worker was justified in not continuing in the program.

I indicated that the reasons for termination of benefits seemed to be based on the subjective opinions of the previous Chairperson. I note that the Board had in some part relied on the findings of the Neurosis Review Panel in 1987 and I indicated that it would seem reasonable to seek its opinion again before determining this case.

In my opinion, it was unfair not to have referred the case to a Neurosis Review Panel and I recommended that the Board convene a Panel to review the case, and that benefits be retroactively reinstated until such time as the Panel determined the case.

In response to my recommendation the Chairperson advised that neither his office nor the Board of Directors has the power under law to convene an Neurosis Review Panel or to reinstate, retroactively, benefits terminated by the Board or an Appeal Panel except in limited circumstances prescribed under the Act. In essence, the Chairperson was advising that unless there was a misapplication of the Act the Board would not have the power to implement the Ombudsman's recommendations.

In a further response from the Board it was indicated that following further consideration it was determined that the initial decision to deny benefits to the claimant did not constitute a decision by the Appeal Commission, the final level of the Board's appeal process. Accordingly, we were advised that the Board felt that the claimant should have the opportunity to appeal the decision to terminate his benefits through the Board's appeal process.

With regard to my recommendation the Board advised that there was no legal obligation to convene an Neurosis Panel. Further, the Board advised that as a result of changes to *The Workers Compensation Act* there was no legal basis to convene a panel. Insofar as the reinstatement of benefits was concerned, the Board felt the case should be dealt with by way of an appeal to the Review Committee and, if necessary, to the Appeal Commission, noting that if the appeal were successful, the Review Office or Appeal Commission would have the authority to order the retroactive reinstatement of benefits. Accordingly, the case was referred to the Review Committee, the Board's first level of appeal for further consideration.

After considering the position of the Board on this claim, I advised that it did not seem reasonable that the worker be forced to pursue an appeal when it seemed the Board had the authority to review the administrative decision responsible for the termination of his benefits. As well, I felt that, while the Board did not have a legal obligation to convene a Neurosis Review Panel, the Board had, at the very least, a moral obligation to do so. In this regard, a review of *The Workers Compensation Act* in effect at the time of the decision gave the Board, in my view, the authority to convene a Neurosis Review Panel. In 1987, the Panel findings were considered and the Board saw fit to retroactively provide almost three years of compensation benefits based on what appeared to be an opinion from the Neurosis Review Panel.

Nevertheless, it was clarified that the Board's prescribed mechanism for reconsideration was firstly by appeal to the Review Office and then to the Appeal Commission. Accordingly, I agreed to await the outcome of our complainant's subsequent appeals. An interim report was provided to our complainant indicating that it seemed reasonable that he pursue the avenues of appeal prior to our office pursuing our recommendations.

Following appeals to the Review Office and the Appeal Commission, we were advised that the Board was not prepared to provide any monetary benefits. However, the worker was referred to a Pain Management Program and, on completion of the Program, he would be provided with further non-monetary rehabilitation assistance from the Board.

I wrote the Board again in December 1991 and advised that while I acknowledged their efforts to provide further medical and rehabilitation assistance, I still felt the Board should convene a Neurosis Review Panel and retroactively reinstate benefits.

I indicated in my letter that I felt the opinion of the Neurosis Review Panel in 1987 was binding on the Board and that there was a misapplication of the Act when the Board denied the claimant with the opportunity to be reassessed by the Neurosis Review Panel before discontinuing benefits. I again repeated my recommendations to the Board, that a Neurosis Review Panel be convened and that compensation benefits be retroactively reinstated until such time as the Panel determine the claimant's case.

In response, the Board clarified that they did not dispute the 1987 Neurosis Review Panel's opinion, but rather the Appeal Commission did not feel that the claimant was entitled to benefits under the Act. The Chairperson of the Board advised as follows:

> *"The Appeal Commission could not have referred the case to a neurosis review panel. There was simply no authority for it to do so. As part of its deliberation, it considered referring the case to a medical review panel, but declined to do so because of its conclusion that there was 'no difference of medical opinion as to the etiology of the claimant's neurosis'. The opinion as to the existence of a mild secondary depressive disorder and a constellation of other non-specific physical and emotional factors was and is recognized, and there is no question that the board and the Appeal Commission was and is bound by that opinion. Nor can there be any question as to the binding effect to the neurosis panel's opinion that 'the only causative etiology of the claimant's complaints was the accident of September 7, 1982'.*

Neither the board, however, nor any of its appeal bodies has ever, within the currency of this claim, been bound by an opinion of a neurosis panel as to the existence of a disability giving rise to an entitlement to benefits. Decisions concerning disability are the exclusive responsibility of the board, not of doctors. The point is made succinctly by the Appeal Commission in the rationale for its October 16, 1991 decision. Referring to subsection (2) of section 60, it notes that under Clause (c), the exclusive jurisdiction of the board extends to determining:

> *'c) the existence and degree of disability by reason of any injury.'*

Though doctors may venture an opinion as to the existence of a disability and the degree thereof, the right and responsibility to decide upon the existence of a disability and its degree is exclusively within the jurisdiction of the adjudication process of the board.

You have asked that your recommendations be placed for consideration by the Board of Directors under Section 60.9 of the Act. The Board of Directors has jurisdiction to review a case under that section only if there has been a misapplication of the Act, a regulation or a policy. If there has been no misapplication, the Board of Directors cannot grant either of the remedies set out in the section. I believe it is clear that there has been no misapplication."

After giving further consideration to this matter I was satisfied with the explanation that the Board recognized the Panel's opinion regarding the existence of the worker's mild secondary disorder and non-specific and emotional factors. I also acknowledged that notwithstanding the binding nature of the Neurosis Review Panel's 1987 decision, the Board, in considering the question of entitlement to benefits, has exclusive jurisdiction in determining the existence and degree of disability. I accepted that the Appeals Commission did not require a further Neurosis Review Panel's opinion in making its decision. In this light I then considered the recent decision of the Appeal Commission. In reviewing this decision I did not feel that I could conclude the decision was clearly wrong or unreasonable nor could I conclude that there had been any misapplication of the Act. Accordingly, I advised the Board that there were no grounds to pursue our recommendations further.

Our complainant was advised that the Board's position was not unreasonable and that there were no grounds to further pursue our recommendations. I noted, however, that the appeals that ensued after our office became involved did result in further, albeit non-monetary, benefits.

Complete List of Complaints

Agriculture - 17

91-100-0001	Expressing concerns about the Manitoba Crop Insurance Program.	Pending
91-100-0002	Farmer alleges he was mislead and unfairly treated re the soil conservation agreement under the Farming for Tomorrow Program.	Discontinued (Ombudsman)
91-100-0003	Farmer expressing concerns re upcoming ban on the sale of raw milk in Manitoba.	Information Supplied
91-100-0004	Dispute with Manitoba Crop Insurance Corporation re a pre-harvest inspection of a canola crop and subsequent reduction in claim.	Not Supported
91-100-0005	Alleges unfair treatment re crop insurance claim.	Pending
91-100-0006	Alleging unfair allocation of crown lands and expressing concern about appeal process.	Pending
91-100-0007	Alleges unfair seizure of cattle.	Not Supported
91-100-0008	Feels unfairly treated by Manitoba Crop Insurance Corporation in denial of claim.	Not Supported
91-100-0009	Seeking on compassionate grounds termination of contract and forgiveness of amount owing to Manitoba Beef Commission.	Not Supported
91-100-0010	Dispute over crop insurance adjustment and payment of premiums.	Pending
91-100-0011	Alleges unfair treatment by Manitoba Agricultural Credit Corporation re mortgage transaction.	Pending
91-100-0012	Disputes fairness of Manitoba Crop Insurance eligibility guidelines relating to independent farm operating units; also questions concerning appeal procedures.	Pending
91-100-0013	Unhappy with the Manitoba Crop Insurance Corporation's decision to provide a combined contract agreement instead of six individual contracts.	Information Supplied
91-100-0014	Alleging harassment and unfair dismissal from employment.	Information Supplied
91-100-0015	Alleges Corporation unfairly denied insurance coverage.	Pending

91-100-0016	Dispute over cancellation of crop insurance.	Pending
91-100-0017	Alleges improper handling of mediation process.	Pending

Ministry of Justice - 245

91-110-0001	Concern over denial of temporary absence pass to inmate at The Pas Correctional Institution.	Not Supported
91-110-0002	Brandon Correctional Institution inmate concerned re serving weekend sentence in maximum security.	Resolved
91-110-0003	Milner Ridge Correctional Centre inmate requesting leave to visit family member in hospital.	Resolved
91-110-0004	Provincial Remand Centre inmate requesting leave to attend funeral.	Resolved
91-110-0005	Provincial Remand Centre inmate unable to obtain mother's telephone number.	Not Supported
91-110-0006	Brandon Correctional Institution inmate alleging unfair suspension from upgrading classes.	Resolved
91-110-0007	Provincial Remand Centre inmate afraid his running shoes will be confiscated.	Not Supported
91-110-0008	Several Provincial Remand Centre inmates complaining about living conditions at Centre.	Partially Resolved
91-110-0009	Headingley Correctional Institution inmate feels he was forced to go to gym.	Not Supported
91-110-0010	Individual seeking clarification re maintenance enforcement payment.	Information Supplied
91-110-0011	Provincial Remand Centre inmate complaining about incarceration conditions.	Discontinued (Client)
91-110-0012	Unhappy with assessment of liability and subsequent small claims court proceedings and decision.	Information Supplied
91-110-0013	Alleging unfair treatment by Hearing Officer of Small Claims Court.	Assistance Rendered
91-110-0014	Headingley Correctional Institution inmate having problems with his counsellor and also unable to obtain a temporary absence pass.	Not Supported

91-110-0015	Brandon Correctional Institution inmate wants the institution's doctors to refer him to a chiropractor.	Not Supported
91-110-0016	Seeking clarification re matters concerning Maintenance Enforcement.	Information Supplied
91-110-0017	Headingley Correctional Institution inmate alleges unfair treatment by duty officer.	Partially Resolved
91-110-0018	Concerned over effect nurses' strike is having on the psychiatric treatment available for inmates from the PRC.	Partially Resolved
91-110-0019	Headingley Correctional Institution inmate alleges lack of response by Superintendent and Deputy Superintendent to his request to meet with them.	Resolved
91-110-0020	Headingley Correctional Institution inmate requesting assistance to find out status of his request concerning Fine Option Program.	Resolved
91-110-0021	Dispute with staff officer re alleged loss of diesel fuel.	Assistance Rendered
91-110-0022	Complaining regarding Small Claims Court filing procedure.	Information Supplied
91-110-0023	Portage Correctional Institution inmate alleging unfair denial of access to a specialist for an ear problem.	Not Supported
91-110-0024	Milner Ridge Correctional Centre inmate alleges unfair lock-up in solitary confinement.	Resolved
91-110-0025	Brandon Correctional Institution inmate's request for temporary absence being unfairly denied.	Not Supported
91-110-0026	Provincial Remand Centre inmate seeking a pay hike for food services duties.	Resolved
91-110-0027	Portage Correctional Institution inmate alleging unfair withdrawal of medication.	Discontinued (Client)
91-110-0028	Alleges she is being unfairly denied visit with boyfriend, an inmate at the Provincial Remand Centre.	Resolved
91-110-0029	Portage Correctional Institution inmate alleged unfair treatment re suspected use of illicit substance.	Discontinued (Client)
91-110-0030	Unhappy with decision of Legal Aid not to pursue case.	Not Supported
91-110-0031	Expressing concern re outcome of court case.	Information Supplied

91-110-0032	Portage Correctional Institution inmate alleges unfair withholding of her mail.	Not Supported
91-110-0033	Alleging lack of legal assistance from Manitoba Legal Aid.	Information Supplied
91-110-0034	Unhappy with decision of Human Rights Commission dismissing complaint.	Pending
91-110-0035	Young person, 18 1/2 years old, apparently in custody on juvenile charges, feels he should be held in section of Institution for adults and not in section for youth; also wants to be allowed communication with his girlfriend.	Partially Resolved
91-110-0036	Provincial Remand Centre inmate complaining about noise caused by construction during the night.	Resolved
91-110-0037	Expressing concern over Public Trustee's handling of matters involving maintenance payments and division of marital assets.	Declined
91-110-0038	Alleges miscarriage of justice by Clerk of the Court.	Assistance Rendered
91-110-0039	Inmate at Brandon Correctional Institution concerned about delay in transferring him back to Headingley Correctional Institution.	Partially Resolved
91-110-0040	Brandon Correctional Institution inmate feels he has been unfairly restricted access to cigarettes received by mail.	Not Supported
91-110-0041	Feels she should have been informed of new rules changing certification from "Special Examiner" to "Official Examiner".	Information Supplied
91-110-0042	Questioning validity of non-payment of fine notice.	Not Supported
91-110-0044	Brandon Correctional Institution inmate alleging that slanderous allegations are being made against him by Correctional Officers.	Not Supported
91-110-0045	Seeking assistance re enforcement of maintenance order.	Discontinued (Client)
91-110-0046	Disagrees with Manitoba Human Rights Commission's disposition of complaint.	Pending

91-110-0047	Headingley Correctional Institution inmate alleges he is being unfairly held in the psychiatric section of the institution.	Resolved
91-110-0048	Brandon Correctional Institution inmate feels he should not have to pay for his own lunch during transfer by bus from one institution to another.	Resolved
91-110-0049	Allegations of physical abuse of resident at Manitoba Youth Centre.	Assistance Rendered
91-110-0050	Alleges unreasonable delay in settling estate.	Resolved
91-110-0051	Anonymous complaint alleging mismanagement of the Portage Correctional Institution.	Not Supported
91-110-0052	Concern over change in format for visiting at the Provincial Remand Centre.	Resolved
91-110-0053	Concerns over handling of husband's affairs by Public Trustee's Office.	Resolved
91-110-0054	Portage Correctional Institution inmate alleges unfair placement in segregation.	Not Supported
91-110-0055	Objecting to denial of legal aid certificate.	Pending
91-110-0056	Provincial Remand Centre inmate alleges correctional officers improperly opened his mail and removed personal belongings from cell during search.	Discontinued (Client)
91-110-0057	Dauphin Correctional Institution inmate alleges alleges unfair holding in remand section and unfair charging for offence.	Resolved
91-110-0058	Alleges Human Rights Commission did not properly handle his complaint of discrimination.	Not Supported
91-110-0059	Portage Correctional Institution inmate alleging inadequate medical treatment.	Not Supported
91-110-0060	Alleges that someone from Probation Office reported wrong information to police.	Not Supported
91-110-0061	Headingley Correctional Institution inmate alleges unfair placement in protective custody.	Not Supported
91-110-0062	Denial of Legal Aid.	Pending

91-110-0063	Brandon Correctional Institution inmate alleges inadequate medical attention.	Resolved
91-110-0064	Brandon Correctional Institution inmate expressing concerns about the institutional clothing provided to inmates.	Resolved
91-110-0065	Provincial Remand Centre inmate feels he is not receiving attention immediately enough for medical emergency.	Resolved
91-110-0066	Brandon Correctional Institution inmate alleges unfair treatment.	Partially Resolved
91-110-0067	Concerns regarding Legal Aid Manitoba.	Information Supplied
91-110-0068	Questioning Manitoba Human Rights Commission's decision that complaint is outside Commission's jurisdiction.	Not Supported
91-110-0069	Headingley Correctional Institution inmate alleges undue delay by counsellor in responding to request for parole.	Resolved
91-110-0070	Headingley Correctional Institution inmate alleges unfair decision by Institution's doctor re his ability to work, and alleges unfair charge of insubordination.	Not Supported
91-110-0071	Headingley Correctional Institution inmate alleges: unfair placement in segregation, requests not being submitted to Superintendent, inappropriate handcuffing, inadequate number of showers and denial of telephone calls.	Discontinued (Client)
91-110-0072	Brandon Correctional Institution inmate attempting to obtain temporary absence pass for work purposes.	Not Supported
91-110-0073	Headingley Correctional Institution inmate alleging unfair court case; also alleging unfair delay by institution in sending out parole papers.	Partially Resolved
91-110-0074	Headingley Correctional Institution inmate feels he is being unjustly kept in segregation; also expressing concerns about not being able to pursue rehabilitation programs.	Partially Resolved
91-110-0075	Provincial Remand Centre inmate feels he is not being allowed proper medical treatment.	Information Supplied

91-110-0076	Concern regarding a divorce case.	Information Supplied
91-110-0077	Brandon Correctional Institution inmate feels institution should provide partial dental plate.	Not Supported
91-110-0078	Disagrees with Manitoba Human Rights Commission's disposition of complaint.	Pending
91-110-0079	Disagrees with Manitoba Human Rights Commission's disposition of complaint.	Pending
91-110-0080	Complaining about judicial proceedings in Manitoba.	Information Supplied
91-110-0081	The Pas Correctional Institution inmate wishes to be transferred to out-of-province correctional centre.	Resolved
91-110-0082	Milner Ridge Correctional Centre inmate alleges unfair revocation of his temporary absence pass.	Discontinued (Client)
91-110-0083	Brandon Correctional Institution inmate alleges unfair denial of canteen purchase.	Resolved
91-110-0084	Difficulties around request to change legal aid lawyer.	Resolved
91-110-0085	Complaint involving court proceedings.	Declined
91-110-0086	Provincial Remand Centre inmate complaining about laundry and bedding not being washed due to washing machine being in need of repair.	Resolved
91-110-0087	Concerns involving a small claims court case.	Information Supplied
91-110-0088	Headingley Correctional Institution inmate alleges unfair placement in segregation.	Resolved
91-110-0089	Request for information re whether legislative or procedural changes resulted from Supreme Court decision.	Information Supplied
91-110-0090	Provincial Remand Centre inmate alleges unfair treatment, harassment and assault by correctional officers.	Pending
91-110-0091	Provincial Remand Centre inmate alleging lack of medical attention by institution's doctor.	Resolved
91-110-0092	Expressing concerns about the supervision of the Public Trustee over a relative.	Pending

91-110-0093	Alleges inappropriate handling by Department of a matter involving registered judgement.	Pending
91-110-0094	Brandon Correctional Institution inmate alleging unfair denial of telephone privileges.	Not Supported
91-110-0095	Provincial Remand Centre inmate alleges he is losing weight due to not being given a sufficient amount of food.	Pending
91-110-0096	Provincial Remand Centre inmate is expressing concern about searches of cell area.	Not Supported
91-110-0097	Disagrees with decision of Legal Aid Manitoba not to grant legal aid.	Not Supported
91-110-0098	Questions concerning court ordered child support; also questions concerning eligibility for legal aid.	Information Supplied
91-110-0099	Concerns about involvement of the Office of the Public Trustee re supervision of his mother.	Information Supplied
91-110-0100	Unhappy with Human Rights Commission's decision to dismiss his complaint.	Pending
91-110-0101	Individual disallowed from entering Legal Aid Office.	Not Supported
91-110-0102	Portage Correctional Institution inmate alleges nurse is unfairly preventing access to doctor.	Assistance Rendered
91-110-0103	Portage Correctional Institution inmate alleges unfair refusal, by Institution, to purchase eyeglasses for her.	Resolved
91-110-0104	Portage Correctional Institution inmate alleging lack of medical attention by nurse.	Not Supported
91-110-0105	Portage Correctional Institution inmate alleges difficulty getting nurse to complete examination on her.	Discontinued (Client)
91-110-0106	Several Portage Correctional Institution inmates alleging various grievances, and expressing need for immediate changes at the Institution.	Information Supplied

91-110-0107	Provincial Remand Centre inmate alleges unfair denial of medication.	Not Supported
91-110-0108	The Pas Correctional Institution inmate unable to have money transferred from savings account to spending account.	Resolved
91-110-0109	Brandon Correctional Institution inmate alleges unfair placement in maximum security unit.	Not Supported
91-110-0110	Difficulties involving *The Real Property Act* application.	Not Supported
91-110-0111	Difficulty receiving information from Maintenance Enforcement re garnishment of wages, and difficulty receiving maintenance payments on time.	Information Supplied
91-110-0112	Headingley Correctional Institution inmate's concerns re placement in segregation.	Partially Resolved
91-110-0113	Seeking clarification re status of complaint before Human Rights Commission.	Resolved
91-110-0114	Brandon Correctional Institution inmate requests assistance in obtaining dentures.	Resolved
91-110-0115	Alleges unfair denial of three day temporary absence pass.	Not Supported
91-110-0116	Alleges unfair treatment by Criminal Injuries Compensation Board.	Pending
91-110-0117	Milner Ridge Correctional Centre inmate alleging unfair decision re temporary absence pass.	Not Supported
91-110-0118	Mother of inmate at Milner Ridge Correctional Centre expressing concerns about decision re son's temporary absence pass, and also concerns about restrictions placed upon his use of telephone.	Information Supplied
91-110-0119	Seeking advice re waiver of responsibility concerning personal items maintained by residents in youth centre.	Information Supplied
91-110-0120	Headingley Correctional Institution inmate seeking help re speeding up parole process.	Information Supplied

91-110-0121	Headingley Correctional Institution inmate objecting to denial of application for temporary absence.	Not Supported
91-110-0122	Brandon Correctional Institution inmate allegedly locked up 23 hours a day in a special holding unit.	Pending
91-110-0123	Provincial Remand Centre inmates expressing concern about accounting procedures for their personal accounts.	Resolved
91-110-0124	Questioning actions of Public Trustee re closure of mother's estate.	Information Supplied
91-110-0125	Monitoring Department's investigation into abuse allegations at Manitoba Youth Centre.	Discontinued (Ombudsman)
91-110-0126	Problem obtaining correct amount of maintenance payments.	Resolved
91-110-0127	Concerns re policy governing placement of inmates in segregation.	Pending
91-110-0128	Wants Small Claims Court issue re-opened; dissatisfied with review by Department of alleged unfair treatment by Small Claims Hearing Officer.	Information Supplied
91-110-0129	Provincial Remand Centre inmate objecting to Institution's intent to "skin frisk" all visitors to his cell block.	Resolved
91-110-0130	Brandon Correctional Institution inmate objects to classification as violent person and 24 hour lock-up in solitary confinement; also wishes to be sent to Alberta for preliminary hearing re charges there.	Not Supported
91-110-0131	Portage Correctional Institution inmate expressing concerns re medical staff at Institution.	Pending
91-110-0132	Alleges error by Land Titles Office re property lines.	Pending
91-110-0133	Headingley Correctional Institution inmate alleges unfair placement in segregation.	Not Supported
91-110-0134	Concerns about the message system of the Maintenance Enforcement Office.	Pending

91-110-0135	Concern by inmates regarding the screening process by the nurse at Portage Correctional Institution and the alleged inability of inmates to access the doctor.	Pending
91-110-0136	Alleges unfair investigation by Manitoba Human Rights Commission re his complaint of racial discrimination.	Not Supported
91-110-0137	Alleges unsatisfactory process by Maintenance Enforcement Program re collection of maintenance payments.	Not Supported
91-110-0139	Alleges court transcript is inaccurate.	Discontinued (Client)
91-110-0140	Denied financial assistance by Legal Aid Manitoba.	Information Supplied
91-110-0141	Complainant feels he should have been informed of cancellation of court trial.	Not Supported
91-110-0142	Provincial Remand Centre inmate sentenced to deportation, wants to be able to remain in Canada.	Information Supplied
91-110-0143	Delay in processing claim for lost property.	Resolved
91-110-0144	Clarification of status of NSF cheque received by payee from payor.	Information Supplied
91-110-0145	Seeking information re results of inquest.	Information Supplied
91-110-0146	Complaining he is not being allowed temporary absence passes and not being allowed to follow education program.	Not Supported
91-110-0147	Disputes court decision.	Information Supplied
91-110-0148	Alleges unfair denial of visiting privileges.	Pending
91-110-0149	Youth Centre resident unhappy with cottage restrictions.	Assistance Rendered
91-110-0150	Brandon Correctional Institution inmate concerned about transfer to the Provincial Remand Centre.	Pending
91-110-0151	Concerns re Legal Aid Manitoba's response to applications.	Not Supported

91-110-0152	Resident alleges he was verbally threatened by staff.	Pending
91-110-0153	Concerns re alleged overpayment of maintenance and delay by Maintenance Enforcement in responding to lawyer.	Information Supplied
91-110-0154	Dauphin Correctional Institution inmate disagrees with decision to transfer him to Brandon Correctional Institution.	Not Supported
91-110-0155	Objecting to Legal Aid Manitoba's refusal to appoint counsel.	Information Supplied
91-110-0156	Concerns re handling of affairs by Public Trustee's office.	Not Supported
91-110-0157	Portage Correctional Institution inmate seeking clarification re calculation of sentence time.	Resolved
91-110-0158	Alleges bogus internal charge and unfair lock-up by institution.	Not Supported
91-110-0159	Provincial Remand Centre inmate alleges false internal charge and unfair lock-up.	Not Supported
91-110-0160	Headingley Correctional Institution inmate objecting to denial of application for early release.	Not Supported
91-110-0161	Headingley Correctional Institution inmate alleges unfair institutional charges and penalty.	Not Supported
91-110-0162	Brandon Correctional Institution inmate expressing concern for his safety.	Resolved
91-110-0163	Provincial Remand Centre inmate complaining that bed sheets and towels have not been changed for twelve days.	Resolved
91-110-0164	Brandon Correctional Institution inmate alleges unfair treatment, and also that superintendent will not see him regarding this matter.	Resolved
91-110-0165	Headingley Correctional Institution inmate expressing concerns about medical treatment; also alleging mistreatment by correctional officer.	Partially Resolved

91-110-0166	Youth alleging unfair treatment by Manitoba Youth Centre re charges for violating temporary absence pass.	Information Supplied
91-110-0167	Objecting to Manitoba Legal Aid's decision refusing change of lawyers.	Not Supported
91-110-0168	The Pas Correctional Institution inmate objecting to being cancelled from Alcohol Program.	Discontinued (Client)
91-110-0169	Alleges unfair treatment and mismanagement by Maintenance Enforcement.	Pending
91-110-0170	Headingley Correctional Institution inmate feels he has been unfairly placed in segregation.	Not Supported
91-110-0171	Feels justice system is failing to provide counselling and help requested by young offender.	Pending
91-110-0172	The Pas Correctional Institution inmate feels he should be allowed to attend court out-of-province re outstanding charges.	Resolved
91-110-0173	Concerns regarding application for legal aid.	Pending
91-110-0174	Provincial Remand Centre inmate alleges mail from solicitor was inappropriately opened.	Resolved
91-110-0175	Seeking clarification of status of Legal Aid application.	Information Supplied
91-110-0176	Headingley Correctional Institution inmate expressing concerns about: 1) slowness of the Institution to implement a Native Spiritual policy, and 2) racial discrimination against natives.	Information Supplied
91-110-0177	Alleges improper handling of aunt's situation by Public Trustee's Office.	Pending
91-110-0178	Brandon Correctional Institution inmate feels he is being unfairly transferred to Headingley.	Not Supported
91-110-0179	Difficulty filing complaint with Commission.	Not Supported
91-110-0180	Objecting to refusal of certificate for legal aid.	Information Supplied

91-110-0181	Provincial Remand Centre inmate alleging that duty officer allowed another inmate to have access to three cells to remove a number of articles.	Not Supported
91-110-0182	Provincial Remand Centre inmate feels he should be allowed to get married while in the institution.	Not Supported
91-110-0183	Review of question of who has supervisory authority over hearing officers or magistrates of the court.	Pending
91-110-0184	Alleging that Human Rights Commission is unfairly denying him the opportunity to present his complaint in person.	Resolved
91-110-0185	Headingley Correctional Institution inmate expressing concerns regarding his treatment in institution.	Discontinued (Client)
91-110-0186	Unhappy with the administration of estate by the Public Trustee.	Not Supported
91-110-0187	Monitor department review of suicide of Headingley Correctional Institution inmate.	Pending
91-110-0188	Portage Correctional Institution inmate objects to decision denying her permission to attend her mother's funeral.	Information Supplied
91-110-0189	Headingley Correctional Institution inmate alleging intimidation by correctional officer.	Not Supported
91-110-0190	Alleges unfair decision by Legal Aid Manitoba to not grant a lawyer to appeal assault conviction.	Not Supported
91-110-0191	Alleges inordinate amount of time being taken by Manitoba Human Rights Commission to handle complaint.	Assistance Rendered
91-110-0192	Headingley Correctional Institution inmate alleging unfair treatment by correctional officer.	Pending
91-110-0193	Headingley Correctional Institution inmate alleges unfair denial of temporary absence pass.	Not Supported

91-110-0194	Manitoba Youth Centre resident alleging unfair treatment.	Resolved
91-110-0195	Provincial Remand Centre inmate alleging unsanitary conditions of mattresses.	Not Supported
91-110-0196	Headingley Correctional Institution inmate expressing concern regarding being unable to obtain shampoo; also concerned about only receiving two meals per day on weekend.	Resolved
91-110-0197	Brandon Correctional Institution inmate's wife expressing concern over husband's placement in segregation and the suspension of visits and telephone calls.	Discontinued (Client)
91-110-0198	Headingley Correctional Institution inmate alleging mistreatment by correctional officer.	Pending
91-110-0199	Headingley Correctional Institution inmate seeking information re temporary absence policy.	Information Supplied
91-110-0200	Brandon Correctional Institution inmate alleges unfair placement in segregation.	Pending
91-110-0201	Concerns re Public Trustee's administration of son's estate.	Pending
91-110-0202	Individual disagrees with decision of Criminal Injuries Compensation Board re claim for death benefits.	Pending
91-110-0203	Problem obtaining compensation from Criminal Injuries Compensation Board.	Information Supplied
91-110-0204	Alleges lack of notification re small claims court hearing date.	Not Supported
91-110-0205	Provincial Remand Centre inmate alleging lack of action regarding head lice problems.	Resolved
91-110-0206	Brandon Correctional Institution inmate alleges unfair denial of phone call to lawyer.	Pending
91-110-0207	Provincial Remand Centre inmate expressing concern about not being able to obtain a second set of clothing.	Resolved

91-110-0208	Feels crown should have withdrawn charges.	Pending
91-110-0209	Headingley Correctional Institution inmates alleging reprisal by correctional officer because of them having made a complaint about the officer.	Pending
91-110-0210	Alleges mishandling of case by court.	Pending
91-110-0211	Seeking assistance in obtaining document from court.	Assistance Rendered
91-110-0212	General issues raised by residents at Manitoba Youth Centre	Pending
91-110-0213	Bannock Point Camp inmate seeking clarification re sentence calculation and release date.	Pending
91-110-0214	Bannock Point Camp inmate seeking clarification re proper procedure to be followed re room searches.	Pending
91-110-0215	Provincial Remand Centre inmate alleging unfair punishment.	Pending
91-110-0216	Headingley Correctional Institution inmate feels he should be allowed temporary absence pass to pursue rehabilitation program.	Not Supported
91-110-0217	Alleging breach of confidence by Executive Director of Legal Aid Manitoba.	Declined
91-110-0218	Concerns regarding refusal of case by Legal Aid Manitoba.	Information Supplied
91-110-0219	Mother complaining that her daughter was unduly held at Provincial Remand Centre and was inappropriately strip searched.	Pending
91-110-0220	Headingley Correctional Institution inmate objecting to cancellation of temporary absence pass.	Resolved
91-110-0221	Headingley Correctional Institution inmate alleges unfair decision regarding his application for transfer to another institution.	Pending

91-110-0222	Headingley Correctional Institution inmate alleges unfair treatment by correctional officer.	Resolved
91-110-0223	Landlord alleges Public Trustee caused financial loss by refusing to allow clean-up of suite vacated by tenant who was a ward of the Public Trustee.	Pending
91-110-0224	Headingley Correctional Institution inmate objecting to cancellation of temporary absence pass.	Discontinued (Client)
91-110-0225	Unhappy with Department's response to her complaint against the Law Society.	Discontinued (Client)
91-110-0226	Difficulties involving enforcement of maintenance order.	Pending
91-110-0227	Inmate alleging personal belongings lost by Provincial Remand Centre.	Resolved
91-110-0228	Provincial Remand Centre inmate questions his initial placement in "the hole" and subsequent placement in "A Block".	Pending
91-110-0229	Brandon Correctional Institution inmate alleging unfair treatment re: outdoor exercise, phone calls, availability of art supplies, and possession of nail clipper.	Not Supported
91-110-0230	Alleging undue delay and inappropriate handling of case by court registrar.	Pending
91-110-0231	Alleging crown prosecutor not providing him with information required for court.	Information Supplied
91-110-0232	Milner Ridge Correctional Centre inmate alleging unfair treatment re change of release date.	Pending
91-110-0233	Provincial Remand Centre inmate seeking information re avenues of appeal concerning federal penitentiary complaints.	Information Supplied
91-110-0234	Provincial Remand Centre inmate complaining about being put under "open arrest".	Resolved

91-110-0235	Provincial Remand Centre inmate complaining that telephones not working properly.	Resolved
91-110-0236	Headingley Correctional Institution inmate seeking a response regarding his application for a temporary absence pass.	Information Supplied
91-110-0237	Individual believes court document to be a forgery.	Pending
91-110-0238	Provincial Remand Centre inmate complaining about cell block search and removal of towels from his cell.	Resolved
91-110-0240	Questions concerning legal aid services provided and Legal Aid's action of placing a lien on her title.	Pending
91-110-0241	Individual is unhappy with a Legal Aid decision to not provide legal assistance.	Information Supplied
91-110-0242	Provincial Remand Centre inmate complaining about problem with telephones.	Resolved
91-110-0243	Individual complaining about difficulties encountered in trying to contact the Visiting Office of the Provincial Remand Centre.	Pending
91-110-0244	Headingley Correctional Institution inmate alleging unfair urine sample.	Pending
91-110-0245	Brandon Correctional Institution inmate feels unfairly treated regarding request for transfer to another institution.	Pending
91-110-0246	Headingley Correctional Institution inmate alleging unfair treatment re use of funds from his account.	Pending
91-110-0247	Headingley Correctional Institution inmate expressing concern over nature of penalty given by institution for an offence he committed.	Pending
91-110-0248	Headingley Correctional Institution inmate alleging inadequate medical treatment.	Information Supplied

Chief Electoral Officer - 1

91-125-0001	Complaining that Elections Manitoba has failed to act appropriately re request to change name of political party.	Not Supported

Civil Service Commission - 3

91-130-0001	Difficulty re dental plan claims.	Pending
91-130-0002	Difficulty obtaining information in writing from the Civil Service Superannuation Board re pension benefits accrued.	Resolved
91-130-0003	Feels commission officials may be withholding assessment report.	Pending

Family Services - 131

91-140-0001	Complaint regarding apprehension of children.	Assistance Rendered
91-140-0002	Alleges lack of formal notice re suspension of social allowances benefits; also alleges unfair suspension of benefits.	Resolved
91-140-0003	Alleges unfair handling of application for social allowance.	Pending
91-140-0004	Alleges he is receiving runaround from provincial income security office.	Discontinued (Client)
91-140-0005	Alleges unfair treatment by income security officer.	Resolved
91-140-0006	Alleges agency has not paid for foster care services and also is leaving child "at risk" in mother's care; also alleging that Department and Minister's office has not properly responded to these concerns.	Pending
91-140-0007	Various complaints about treatment by the system.	Discontinued (Client)
91-140-0008	Concerns regarding agency's investigation re child abuse allegations.	Pending
91-140-0009	Alleges agency improperly handling allegations of abuse.	Information Supplied
91-140-0010	Alleging unfair apprehension of children.	Information Supplied
91-140-0011	Alleging unfair treatment by Department re termination of income security benefits.	Pending

91-140-0012	Father unhappy with handling of son's case by child and family services agency.	Information Supplied
91-140-0013	Alleges lack of information available from the Social Services Advisory Committee re appeal process and functioning of Committee.	Resolved
91-140-0014	Disagrees with Department's decision to move daughter from institution into community residential program.	Pending
91-140-0015	Problems involving application for provincial social allowances.	Resolved
91-140-0016	Couple feels unfairly treated by agency's refusal to approve their application to operate a licenced foster home.	Information Supplied
91-140-0017	Alleges problem obtaining increase in social allowances to cover rent increase.	Resolved
91-140-0018	Seeking review of decision re social allowances.	Not Supported
91-140-0019	Has not received monthly social allowances cheque which reportedly was mailed.	Resolved
91-140-0020	Does not agree with recommendations made to him by vocational rehabilitation counsellor.	Information Supplied
91-140-0021	Social allowances recipient wishing to have case number changed and increased food allowance.	Partially Resolved
91-140-0022	Alleges unfair treatment and also that income security office will not follow recommendation of Social Services Advisory Committee.	Pending
91-140-0023	Feels it is unfair that income security officials will not mail his monthly cheque to him but require him to pick it up from the office.	Not Supported
91-140-0025	Complaint regarding apprehension of infant.	Discontinued (Client)
91-140-0026	Concern re special needs allowance to pay for move.	Information Supplied
91-140-0027	Adult adoptee seeking assistance re search for natural parents.	Information Supplied

91-140-0028	Wants income security office to assist her in clarifying problem with new glasses (partially paid for by Income Security).	Discontinued (Client)
91-140-0029	Concerns regarding adequacy of investigation into child abuse allegations.	Pending
91-140-0030	Concerns regarding grandson's apprehension.	Information Supplied
91-140-0031	Unable to get birth certificate issued in name requested.	Resolved
91-140-0032	Dispute regarding homemaker services provided.	Pending
91-140-0033	Parent concerned regarding planning being done for her daughter who is under a voluntary placement agreement.	Discontinued (Client)
91-140-0034	Concerned about reference information provided to Department which reportedly rendered him unsuccessful in job competition.	Discontinued (Ombudsman)
91-140-0035	Alleges unfair hearing by Social Services Advisory Committee.	Not Supported
91-140-0036	Unable to obtain disability social allowance pension for son.	Information Supplied
91-140-0037	Social allowances recipient objecting to decrease in amount of social allowance.	Resolved
91-140-0038	Concerns about apprehension and custody of children.	Discontinued (Client)
91-140-0039	Complaint re agency decision to apprehend child at birth and place for adoption.	Resolved
91-140-0040	Teenager expressing concern that her views are not being considered by her worker in placement planning.	Not Supported
91-140-0041	Concerns regarding community funding for a mentally handicapped adult.	Assistance Rendered
91-140-0042	Foster parents alleging unfair treatment by child and family services agency re payment of telephone bill incurred by foster child, and allegations re sexual advances.	Resolved

91-140-0043	Concerned that income security office will not provide amount requested for security deposit without certain requirements.	Resolved
91-140-0044	Social allowances recipient wishes to have special needs allowance provided by cheque rather than voucher.	Not Supported
91-140-0045	Parent reports child was physically abused in a foster home and is concerned that no criminal charges are being laid.	Information Supplied
91-140-0046	Difficulties involving social allowance cheque.	Resolved
91-140-0047	Monitoring of Department's investigation into abuse allegations at Knowles Treatment Centre.	Pending
91-140-0048	Foster parent concerned regarding licence suspension.	Pending
91-140-0049	Foster parent concerned about agency's handling of abuse allegations and possible closure of foster home.	Information Supplied
91-140-0050	Parent alleges that her daughter was apprehended but no services are being provided by child and family services agency.	Information Supplied
91-140-0051	Concerns regarding apprehension of children.	Pending
91-140-0052	Complaining about agency's decision to apprehend baby from teenage mother.	Information Supplied
91-140-0053	Alleging unfair treatment by social worker and family services agency.	Information Supplied
91-140-0054	Review of concerns re Seven Oaks Youth Centre's handling of several abuse allegations.	Pending
91-140-0055	Seeking information re access to child and family services records.	Information Supplied
91-140-0056	Complaint regarding apprehension of infant son.	Not Supported
91-140-0058	Complaint regarding court ordered custody assessment.	Discontinued (Client)

91-140-0059	Alleges that file submitted by child and family services agency, for court proceedings had inaccurate reports, omissions, and documents missing.	Pending
91-140-0060	Complainant unhappy with the Department's investigation into complaint against a child and family services agency.	Discontinued (Client)
91-140-0061	Complaint against Seven Oaks Youth Centre.	Pending
91-140-0062	Questioning reduction of social allowance.	Information Supplied
91-140-0063	Social Allowances recipient alleges unfair findings by appeal panel of Social Services Advisory Committee.	Not Supported
91-140-0064	Father and grandmother of 13 year old concerned over child and family services agency's handling of the teenager's situation.	Information Supplied
91-140-0065	Social allowances recipient denied extra assistance to purchase washer and dryer.	Information Supplied
91-140-0066	Objecting to Department's decision not to provide social allowances to pay for moving expenses.	Information Supplied
91-140-0067	Social allowances recipient feels Department should pay her transportation costs for chiropractic appointment.	Discontinued (Client)
91-140-0068	Denied financial assistance required to pay for expenses of court case; also objects to being labelled by Department as mentally handicapped.	Not Supported
91-140-0069	Teenage mom requesting financial assistance.	Assistance Rendered
91-140-0070	Difficulty obtaining social allowances cheque.	Resolved
91-140-0071	Individual seeking assistance to obtain records to assist in search for siblings.	Information Supplied
91-140-0072	Alleges improper actions by social worker and improper handling of case generally by child and family services agency.	Assistance Rendered

91-140-0073	Concern over social allowance benefits.	Information Supplied
91-140-0074	Concern over treatment received from agency.	Not Supported
91-140-0075	Individual requesting a review of another individual's social allowances application.	Declined
91-140-0076	Objects to placement in a group home.	Information Supplied
91-140-0077	Concern regarding the handling of an overpayment.	Resolved
91-140-0078	Concerns regarding child and family services agency's handling of case.	Information Supplied
91-140-0079	Alleges lack of action by youth centre regarding reported incident of abuse of one resident by another.	Not Supported
91-140-0080	Teenager concerned regarding placement planning.	Assistance Rendered
91-140-0081	Dispute between agency and foster parent regarding services provided.	Discontinued (Client)
91-140-0082	Alleges unfair decision denying social allowances.	Assistance Rendered
91-140-0083	Concerned that political issues may be taking priority over the well being and best interest of children.	Pending
91-140-0084	Alleges child and family services agency violated his rights by searching his home for his daughter.	Pending
91-140-0085	Alleges improper handling of youth's case by child and family services agency.	Pending
91-140-0086	Requesting review of decision of Social Services Advisory Committee.	Not Supported
91-140-0087	Problems involving day care subsidy and social allowances.	Resolved
91-140-0088	Objecting to reduction of social allowances entitlement.	Information Supplied
91-140-0089	Alleges that income security office changed her status from "welfare recipient" to "mental defective".	Not Supported

91-140-0090	Individual expressing concern over treatment allegedly accorded to another individual who applied for social allowances.	Not Supported
91-140-0091	Alleges conspiracy, lies and mistreatment by child and family services agency.	Not Supported
91-140-0092	Problem obtaining social allowances cheque.	Resolved
91-140-0093	Grandmother alleging that child and family services agency has unfairly denied her access to her grandchildren.	Assistance Rendered
91-140-0094	Objecting to the sudden termination of social allowances.	Not Supported
91-140-0095	Alleges difficulty communicating with Income Security office.	Discontinued (Client)
91-140-0096	Alleging department is failing to provide	Pending
91-140-0097	Alleges harassment and unfair treatment by income security counsellor.	Resolved
91-140-0098	Feels decision of Social Services Advisory	Not Supported
91-140-0099	Individual claiming to be in immediate need of additional social allowance.	Resolved
91-140-0100	Having trouble obtaining from Income Security Office financial aid required due to theft of social allowance cheque.	Information Supplied
91-140-0101	Disagrees with decision of Social Services Advisory Committee regarding appeal based on insufficient social allowances.	Resolved
91-140-0102	Parent experiencing difficulty with child and family services agency regarding having daughters visit and obtaining custody of daughters.	Pending
91-140-0103	Social allowances recipient feels income security office may not release her cheque due to a disagreement she had with the office supervisor.	Resolved

91-140-0104	Father alleging lack of investigation by child welfare authorities regarding his concerns about care being provided for daughter by mother	Pending
91-140-0105	Concerns regarding guardianship and placement for adoption.	Pending
91-140-0106	Teenage mom concerned regarding apprehension of infant.	Information Supplied
91-140-0107	Dispute regarding planning and placement of child in care.	Pending
91-140-0108	Concerned over handling of grandson's case by child and family services agency.	Pending
91-140-0109	Mother feels agency should be providing assistance and support regarding sexual abuse and potential sexual abuse of her children by their father.	Pending
91-140-0110	Mother having difficulty arranging, through income security office, homemaker services for a medical problem.	Assistance Rendered
91-140-0111	Social allowances recipient requesting a review of amount of social allowances received.	Information Supplied
91-140-0112	Allegations made anonymously regarding	Declined
91-140-0113	Concerns relating to the administration of a child and family services agency.	Information Supplied
91-140-0114	Concerns regarding safety of a child.	Assistance Rendered
91-140-0115	Adult adoptee seeking information about whether she and her sister had same birth father.	Information Supplied
91-140-0116	Complainant seeking to regain custody of infant son, and also complaining about being treated unfairly by child and family services agency.	Partially Resolved
91-140-0117	Unhappy with being provided a social allowances food voucher as opposed to a cheque.	Information Supplied
91-140-0118	Concerned about change of policy regarding lump sum tax credit payments for welfare recipients.	Information Supplied

91-140-0119	Individual seeking assistance regarding concerns about child abuse.	Information Supplied
91-140-0120	Alleging that child and family services agency is not responding to his requests for information about his daughter.	Resolved
91-140-0121	Alleging unfair closure of foster home.	Pending
91-140-0122	Problems involving income security.	Information Supplied
91-140-0123	Objecting to deduction from her income security cheque.	Assistance Rendered
91-140-0124	Eighteen year old having difficulty obtaining financial assistance.	Pending
91-140-0125	Transient youth unable to obtain financial assistance.	Information Supplied
91-140-0126	Did not receive student social allowance cheque.	Resolved
91-140-0127	Alleges conflict of interest by provincial income security worker, and cover up by the income security office.	Pending
91-140-0128	Alleged unfair denial of municipal social assistance.	Information Supplied
91-140-0129	Alleging conflict of interest and breach of trust by worker of child and family services agency.	Pending
91-140-0130	Concerns regarding licencing for foster care.	Information Supplied
91-140-0131	Youth concerned about decision to apprehend her.	Information Supplied
91-140-0132	Objects to delay in receiving access to information.	Pending
91-140-0133	Concerns regarding adequacy to sexual abuse investigation.	Pending

Co-operative, Consumer and Corporate Affairs - 14

91-150-0001	Unhappy with Consumer Bureau's handling of complaint.	Resolved
91-150-0002	Feels unfair treatment re registration of business name.	Resolved

91-150-0003	Insurance broker alleging unfair treatment by Manitoba Securities Commission regarding application to renew licence to sell mutual funds.	Not Supported
91-150-0004	Feels decision of Consumer's Bureau regarding direct seller licence is unfair.	Not Supported
91-150-0005	Firm requests assistance to determine who has authority to resolve grievance against a private agency.	Pending
91-150-0006	Alleges harassment by Manitoba Securities Commission staff.	Discontinued (Client)
91-150-0007	Alleges lack of action by Department regarding complaint about credit union.	Not Supported
91-150-0008	Alleges inconsistency by Rent Regulation Bureau regarding assessment of applications for rent increase.	Discontinued (Client)
91-150-0009	Tenants unhappy with the process followed by Rent Appeals Panel during a recent hearing.	Pending
91-150-0010	Alleges improper handling of case by Landlord and Tenant Affairs Office.	Resolved
91-150-0011	Concerns regarding security deposit dispute and redirect of rent.	Information Supplied
91-150-0012	Unhappy with decision of Superintendent of Insurance.	Not Supported
91-150-0013	Concerns about questions required to be answered when applying for a direct sellers licence.	Pending
91-150-0014	Dispute over return of security deposit.	Assistance Rendered

Corporations and Extra Departmental - 12

91-170-0001	Alleges unfair charges by Manitoba Telephone System for touch tone dialing feature.	Not Supported
91-170-0002	Concerned that employees of Manitoba Telephone System may not be aware of proper procedure for dealing with harassing or threatening telephone calls.	Information Supplied

91-140-0119	Individual seeking assistance regarding concerns about child abuse.	Information Supplied
91-140-0120	Alleging that child and family services agency is not responding to his requests for information about his daughter.	Resolved
91-140-0121	Alleging unfair closure of foster home.	Pending
91-140-0122	Problems involving income security.	Information Supplied
91-140-0123	Objecting to deduction from her income security cheque.	Assistance Rendered
91-140-0124	Eighteen year old having difficulty obtaining financial assistance.	Pending
91-140-0125	Transient youth unable to obtain financial assistance.	Information Supplied
91-140-0126	Did not receive student social allowance cheque.	Resolved
91-140-0127	Alleges conflict of interest by provincial income security worker, and cover up by the income security office.	Pending
91-140-0128	Alleged unfair denial of municipal social assistance.	Information Supplied
91-140-0129	Alleging conflict of interest and breach of trust by worker of child and family services agency.	Pending
91-140-0130	Concerns regarding licencing for foster care.	Information Supplied
91-140-0131	Youth concerned about decision to apprehend her.	Information Supplied
91-140-0132	Objects to delay in receiving access to information.	Pending
91-140-0133	Concerns regarding adequacy to sexual abuse investigation.	Pending

Co-operative, Consumer and Corporate Affairs - 14

91-150-0001	Unhappy with Consumer Bureau's handling of complaint.	Resolved
91-150-0002	Feels unfair treatment re registration of business name.	Resolved

91-150-0003	Insurance broker alleging unfair treatment by Manitoba Securities Commission regarding application to renew licence to sell mutual funds.	Not Supported
91-150-0004	Feels decision of Consumer's Bureau regarding direct seller licence is unfair.	Not Supported
91-150-0005	Firm requests assistance to determine who has authority to resolve grievance against a private agency.	Pending
91-150-0006	Alleges harassment by Manitoba Securities Commission staff.	Discontinued (Client)
91-150-0007	Alleges lack of action by Department regarding complaint about credit union.	Not Supported
91-150-0008	Alleges inconsistency by Rent Regulation Bureau regarding assessment of applications for rent increase.	Discontinued (Client)
91-150-0009	Tenants unhappy with the process followed by Rent Appeals Panel during a recent hearing.	Pending
91-150-0010	Alleges improper handling of case by Landlord and Tenant Affairs Office.	Resolved
91-150-0011	Concerns regarding security deposit dispute and redirect of rent.	Information Supplied
91-150-0012	Unhappy with decision of Superintendent of Insurance.	Not Supported
91-150-0013	Concerns about questions required to be answered when applying for a direct sellers licence.	Pending
91-150-0014	Dispute over return of security deposit.	Assistance Rendered

Corporations and Extra Departmental - 12

91-170-0001	Alleges unfair charges by Manitoba Telephone System for touch tone dialing feature.	Not Supported
91-170-0002	Concerned that employees of Manitoba Telephone System may not be aware of proper procedure for dealing with harassing or threatening telephone calls.	Information Supplied

91-170-0003	Alleges unfair treatment regarding charge levied by Manitoba Telephone System for replacement telephone.	Resolved
91-170-0004	Alleging unfair tendering process by Manitoba Telephone System.	Not Supported
91-170-0005	Monitor recommendation of provincial judge on inquest regarding provision of emergency telephones.	Pending
91-170-0006	Billing dispute with Manitoba Telephone System.	Discontinued (Client)
91-170-0007	Alleges Manitoba Telephone System improperly authorized entry upon his property, and allowed work which caused damage.	Discontinued (Ombudsman)
91-170-0008	Casino dealers alleging unfair management of tip fund by Manitoba Lotteries Board.	Resolved
91-170-0009	Feels Manitoba Telephone System's policy of forcing a new owner of a business to pay previous owner's outstanding bill in order to maintain same phone number is unfair.	Pending
91-170-0010	Alleges unfair disconnection of phone service by Manitoba Telephone System.	Pending
91-170-0011	Seeking further compensation for error allegedly made by Manitoba Telephone System.	Pending
91-170-0012	Concerns regarding right of way agreement with Manitoba Telephone System.	Information Supplied

Education and Training - 10

91-200-0001	Feels Department is not being helpful in the matter of a school transfer for his son.	Resolved
91-200-0002	Alleging unfair treatment by Student Financial Assistance Office and Appeal Board.	Information Supplied
91-200-0003	Parents seeking to have son re-instated in school, not happy with Department's investigation of the problem.	Not Supported
91-200-0004	Difficulty obtaining student aid cheque.	Resolved
91-200-0005	School bus transportation problem.	Information Supplied

91-200-0006	Unhappy with Department's response to allegations of improper procedural conduct by school division's board of trustees; also alleged political and governmental interference with Board of Reference.	Information Supplied
91-200-0007	Concerns re education program for child with learning disability.	Pending
91-200-0008	Alleges unfair request for information being made by Student Financial Assistance Appeal Board.	Pending
91-200-0009	Concerns regarding alleged violation of hiring agreement between Department and Civil Service Commission.	Information Supplied
91-200-0010	Difficulty obtaining permanent teaching certificate.	Pending

Energy and Mines - 1

91-220-0001	Employee alleging unfair treatment.	Assistance Rendered

Environment - 4

91-230-0001	Alleges inaction by Department regarding chaff pollution problem allegedly caused by seed and grain company.	Not Supported
91-230-0002	Alleges harassment and selective enforcement by inspection staff.	Pending
91-230-0003	Disagrees with Clean Environment Commission decision to allow the building of a sewage lagoon and feels Department of Environment is not monitoring the situation.	Resolved
91-230-0004	Concerns over hearing to be held by Manitoba Environmental Council.	Pending

Federal Departments and Agencies - 16

91-240-0001	Problem concerning estimates of cost for elective pension services.	Information Supplied
91-240-0002	Questions concerning the Goods and Services Tax.	Information Supplied
91-240-0003	Expressing concern over the banning of raw milk sales.	Information Supplied

91-240-0004	Expressing concern over the banning of raw milk sales.	Information Supplied
91-240-0005	Alleges unfair deduction of union dues from paycheque.	Information Supplied
91-240-0006	Concerned re proposed banning of raw milk sales.	Information Supplied
91-240-0007	Concerned re proposed banning of raw milk sales.	Information Supplied
91-240-0008	Concerned over proposed banning of raw milk sales.	Information Supplied
91-240-0009	Concerned over the proposed banning of raw milk sales.	Information Supplied
91-240-0010	Complaining that he has not been paid for work involved in building houses.	Information Supplied
91-240-0011	Inmate in Federal Penitentiary questioning his placement in segregation.	Assistance Rendered
91-240-0012	Individual expressing concern about the allegedly unjust incarceration of an individual in a federal penitentiary.	Information Supplied
91-240-0014	Problem regarding unemployment insurance benefits.	Information Supplied
91-240-0015	Feels she should be reimbursed UIC deductions as she does not qualify for UIC benefits.	Information Supplied
91-240-0016	Daughter objecting to request for return of late mother's G.S.T. rebate cheque, since the cheque although issued after mother's death, applied to a time period when she was alive.	Information Supplied
91-240-0017	Problem involving Canadian Insulation Program.	Information Supplied

Finance - 2

91-250-0001	Allegations regarding improper application of Retail Sales Tax.	Discontinued (Ombudsman)
91-250-0002	Individual raises concerns regarding his working relationship with management.	Discontinued (Client)

Government Services - 3

91-260-0001	Monitoring department's consideration of compensation for expropriation.	Pending
91-260-0002	Seeking expedition of payment of funds owing.	Resolved
91-260-0003	Concerns regarding status of application for disaster assistance.	Pending

Health - 99

91-270-0001	Voluntary patient alleging that she is not being allowed to complete form to be discharged from psychiatric ward of Health Sciences Centre.	Resolved
91-270-0002	Selkirk Mental Health Centre patient wishes to be discharged.	Information Supplied
91-270-0003	Individual seeking clarification regarding patient rights at Selkirk Mental Health Centre.	Information Supplied
91-270-0004	Patient in psychiatric wing of St. Boniface Hospital feels he was improperly admitted.	Information Supplied
91-270-0005	Brandon Mental Health Centre patient alleges nurse mistreated a fellow patient.	Resolved
91-270-0006	Monitor inquest.	Pending
91-270-0007	Allegation of unfair denial of out-of-province medical coverage.	Resolved
91-270-0008	Brandon Mental Health Centre voluntary patient feels she should be able to sign herself out of hospital.	Information Supplied
91-270-0009	Seeking additional homemaker services.	Resolved
91-270-0010	Concern regarding appeal procedures within the Alcoholism Foundation of Manitoba and notification to affected parties.	Pending
91-270-0011	Selkirk Mental Health Centre patient wants to be discharged.	Information Supplied
91-270-0012	Selkirk Mental Health Centre patient wishes to be discharged from hospital.	Information Supplied

91-270-0013	Patient on psychiatric ward of Health Sciences Centre alieging that his rights have been violated.	Information Supplied
91-270-0014	Difficulties regarding request for information involving fees charged and attitude of access officer.	Pending
91-270-0015	Monitoring of procedures re safekeeping of patients' property in mental health facilities.	Pending
91-270-0016	Selkirk Mental Health Centre patient wants to be released.	Information Supplied
91-270-0017	Dispute over charge for ambulance service.	Assistance Rendered
91-270-0018	Selkirk Mental Health Centre patient alleged being held against her will.	Information Supplied
91-270-0019	Health Sciences Centre mental health patient expressing concerns about medical treatment.	Information Supplied
91-270-0020	Selkirk Mental Health Centre patient alleges it is unfair that his attendance of religious meetings has been restricted.	Information Supplied
91-270-0021	Selkirk Mental Health Centre patient feels he should be able to get note from doctor indicating that it is alright for him to drive while on medication.	Discontinued (Client)
91-270-0022	Individual alleges the Department of Health is not responding to his concerns about care and treatment provided to his mother at a private home for seniors.	Pending
91-270-0023	Monitor Inquest.	Pending
91-270-0024	Health Sciences Centre patient wishing to be discharged from psychiatric ward.	Information Supplied
91-270-0025	Alleges that Director of Psychiatric Services improperly placed complainant's mother under Order of Supervision.	Information Supplied
91-270-0026	Review of department's draft policy for handling of complaints of alleged abuse by patients.	Information Supplied

91-270-0027	Concerns re care of patient and discharge of patient from mental health facility.	Information Supplied
91-270-0028	Patient at Health Sciences Centre alleging improper confinement to psychiatric ward and wishes to be released; also alleging police harassment.	Discontinued (Client)
91-270-0029	Family member concerned about procedure followed to admit another family member to psychiatric facility.	Information Supplied
91-270-0030	Health Sciences Centre patient alleging that he was unable to write to Ombudsman's office because of a lack of paper, envelopes, stamps, etc.	Resolved
91-270-0031	Voluntary patient on psychiatric ward of Health Sciences Centre expressing concern that he has not been discharged after signing himself out.	Information Supplied
91-270-0032	Patient at Selkirk Mental Health Centre presenting many personal concerns.	Information Supplied
91-270-0033	Selkirk Mental Health Centre patient wishes to have a new doctor or to be released from centre.	Information Supplied
91-270-0034	Parent seeking changes to clinical report on daughter.	Not Supported
91-270-0035	Selkirk Mental Health Centre patient alleges he is being asked to pay for glasses broken by staff.	Information Supplied
91-270-0036	Brandon Mental Health Centre patient wants a different doctor assigned to her case, wants smoking privileges restored, and is expressing concern about social worker's advice.	Partially Resolved
91-270-0037	Health Sciences Centre patient alleging that his requests for medical attention are being ignored.	Not Supported
91-270-0038	Health Science Centre patient alleges his outside phone calls are being restricted.	Information Supplied

91-270-0039	Patient on psychiatric ward of Health Centre expressing need for medical treatment.	Resolved
91-270-0040	Monitor recommendation of provincial judge on inquest regarding cautionary bulletin to scuba divers.	Pending
91-270-0041	Health Sciences Centre patient on psychiatric ward alleges phone call unfairly terminated by nurse.	Information Supplied
91-270-0042	Selkirk Mental Health Centre patient wishes to leave the centre.	Information Supplied
91-270-0043	Patient complaining he is unable to leave Brandon Mental Health Centre because a suitable apartment has not been found.	Information Supplied
91-270-0044	Health Sciences Centre psychiatric alleges he was threatened by staff.	Information Supplied
91-270-0045	Health Sciences Centre psychiatric patient complaining about not being allowed to contact police.	Information Supplied
91-270-0046	Health Sciences Centre patient wishes to be released from centre.	Information Supplied
91-270-0047	Health Sciences Centre patient requesting information about his rights.	Information Supplied
91-270-0048	Brandon Mental Health Centre patient wishes to leave the Centre.	Information Supplied
91-270-0049	Delay in receiving pharmacare refund.	Resolved
91-270-0050	Selkirk Mental Health Centre patient raising concerns about his admission to hospital.	Information Supplied
91-270-0051	Non-specific complaints.	Discontinued (Ombudsman)
91-270-0052	Alleges patient abuse at Selkirk Mental Health Centre.	Pending
91-270-0053	Alleges Alcoholism Foundation of Manitoba failed to send report required to facilitate driver licence reinstatement.	Pending
91-270-0054	Patient questions need to be admitted to psychiatric facility.	Discontinued (Client)

91-270-0055	Brandon Mental Health Centre patient is concerned he is not receiving his social allowance benefits.	Resolved
91-270-0056	Health Sciences Centre patient concerned his personal belongings have not been sent to him.	Information Supplied
91-270-0057	Brandon Mental Health Centre patient concerned about the arrangements being made for him to live in the community.	Information Supplied
91-270-0058	Monitor inquest.	Pending
91-270-0059	Monitoring complaint re alleged abusive treatment of Health Sciences Centre patient.	Pending
91-270-0060	Selkirk Mental Health Centre patient seeking transfer to PI3, Health Sciences Centre.	Information Supplied
91-270-0061	Brandon Mental Health Centre patient on leave pass objecting to home visit.	Information Supplied
91-270-0062	Feels government must bear some responsibility for contaminated blood products being given to hemophiliacs, and that compensation should be paid.	Discontinued (Ombudsman)
91-270-0063	Alleges improper treatment under *The Mental Health Act* while hospitalized at St. Boniface Hospital.	Pending
91-270-0065	Brandon Mental Health Centre patient wants to be released from hospital.	Information Supplied
91-270-0066	Health Sciences Centre patient on psychiatric ward wishes to be discharged from hospital; also alleging sexual harassment and unfair treatment.	Information Supplied
91-270-0067	Selkirk Mental Health Centre patient wants to be discharged.	Information Supplied
91-270-0068	Objects to decision of hospital banning him from visiting his mother, being held under an Order of Supervision.	Information Supplied
91-270-0069	Questioning high cost of personal care placement for out-of-province resident.	Information Supplied

91-270-0070	Out-patient of Brandon Mental Health Centre expressing concern about his medication.	Information Supplied
91-270-0071	Feels Lyme disease patients are not getting proper treatment in Manitoba.	Information Supplied
91-270-0072	Health Science Centre patient claims he has to sleep on a mattress on the floor.	Discontinued (Client)
91-270-0073	Health Science Centre patient expressing concerns about her status and treatment.	Information Supplied
91-270-0074	Disagrees with personal home care placement of friend.	Information Supplied
91-270-0075	Patient in psychiatric facility alleging abuse and being forced to take medication against her will.	Information Supplied
91-270-0076	Individual expressing concern on behalf of a third party re access to files at Selkirk Mental Health Centre.	Information Supplied
91-270-0077	Patient at Health Sciences Centre psychiatric ward wishes to go outside for fresh air and exercise.	Information Supplied
91-270-0078	Objecting to denial of legal aid.	Not Supported
91-270-0079	Patient at Selkirk Mental Health Centre wants to obtain legal counsel and also wants to be discharged from hospital.	Discontinued (Ombudsman)
91-270-0080	Patient at Selkirk Mental Health Centre expressing concerns regarding spending money, clothing and mail, also wants to be discharged.	Partially Resolved
91-270-0081	Patient in psychiatric ward of Seven Oaks Hospital wishes to be released.	Information Supplied
91-270-0082	Selkirk Mental Health Centre patient seeking clarification re her admission and status.	Information Supplied
91-270-0083	Resident of personal care home concerned about policies and standards of the home.	Pending
91-270-0084	Individual expressing concern about food service at the Selkirk Mental Health Centre.	Not Supported

91-270-0085	Unable to obtain assistance from department regarding rent increase.	Assistance Rendered
91-270-0086	Feels public health nursing services should be made available.	Information Supplied
91-270-0087	Individual does not wish to be admitted to psychiatric ward of Health Sciences Centre.	Information Supplied
91-270-0088	Brandon Mental Health Centre patient seeking clarification re his admission to the Centre.	Information Supplied
91-270-0089	Health Sciences Centre psychiatric patient alleges unfair treatment by staff and also theft of his personal belongings by staff.	Assistance Rendered
91-270-0090	Patient at Selkirk Mental Health Centre alleging being abused by other patients.	Not Supported
91-270-0091	Alleges unfair treatment by Alcoholism Foundation of Manitoba regarding completion of treatment program.	Pending
91-270-0092	Unhappy with services provided by home care attendant.	Pending
91-270-0093	Brandon Mental Health Centre out-patient objects to having to report to Centre for various tests from time to time.	Information Supplied
91-270-0094	Selkirk Mental Health Centre patient wants to be discharged; also feels he is being treated unfairly.	Information Supplied
91-270-0095	Alleges unfair refusal by Manitoba Health Services Commission to provide health care services.	Pending
91-270-0096	Feels office of continuing care is supporting an unfair policy re patient referrals to oxygen distributing companies.	Pending
91-270-0097	Health Sciences Centre patient feels nurse should able to assist him in getting money from his bank account.	Resolved
91-270-0098	Selkirk Mental Health Centre patient seeking reason for admittance; alleging differential treatment; and seeking a legal aid lawyer	Pending

91-270-0099	Patient wants to be released from Brandon Mental Health Centre.	Information Supplied
91-270-0100	Objects to vocational rehabilitation file being closed.	Not Supported

Highways and Transportation - 20

91-280-0001	Seeking to have driver licence reinstated.	Not Supported
91-280-0002	Seeking clarification re suspension of son's driver licence.	Pending
91-280-0003	Feels decision of Licence Suspension Appeal Board is unfair.	Not Supported
91-280-0004	Request for information re the issuing and suspending of driver licences.	Information Supplied
91-280-0005	Concerned about decision and process to change driver licence classification.	Resolved
91-280-0006	Questioning the amount of fees assessed for information requested under *The Freedom of Information Act*; also questioning whether Department can add monies owing as a surcharge on driver licence.	Pending
91-280-0007	Unhappy with the Licence Suspension Appeal Board's recent decision.	Not Supported
91-280-0008	Feels decision of Licence Suspension Appeal Board regarding Dealer's permit is unfair.	Not Supported
91-280-0009	Concern over requirements he is being asked to meet in order to have driver licence reinstated.	Resolved
91-280-0010	Employee alleging harassment and unfair treatment by employer.	Resolved
91-280-0011	Difficulties regarding reinstatement of driver licence.	Pending
91-280-0012	Follow-up re recommendation of provincial judge on inquest.	Pending

91-280-0013	Problems involving application to become a recognized alcohol and drug abuse referral agency authorized to conduct impaired driver assessments.	Pending
91-280-0014	Alleging unfair denial of reinstatement of driver license.	Not Supported
91-280-0015	Disagrees with decision of Licence Suspension Appeal Board refusing a driver's licence.	Information Supplied
91-280-0016	Concerns regarding the deregulation of the limousine industry.	Pending
91-280-0017	Alleging unfair continuation of suspension of driver licence.	Not Supported
91-280-0018	Individual alleges difficulty in obtaining information from Driver and Vehicle Licensing.	Pending
91-280-0019	Concerned about not being able to get names and addresses of individuals upon the presentation of a licence plate number.	Information Supplied
91-280-0020	Disagrees with Department's decision not to investigate accident.	Pending

Housing - 14

91-290-0001	Tenants alleging Landlord and Tenant Affairs did not allow them sufficient time to prepare appeal against rent increase.	Resolved
91-290-0002	Difficulties re application for grant under Core Area Initiative Program.	Resolved
91-290-0003	Alleges unfair treatment by Winnipeg Regional Housing Authority regarding charges levied after vacation of premises.	Not Supported
91-290-0004	Contractor alleging he has not been paid by Department for work performed.	Resolved
91-290-0005	Unhappy with the handling of security deposit claim.	Pending

91-290-0006	Feels she should receive retroactive benefits for months she was off Shelter Allowances for Elderly Renters Program due to error on application.	Resolved
91-290-0007	Tenant concerned about Housing Authority's request for previous year's income tax form for proof of income.	Not Supported
91-290-0008	Concerns about Rentalsman's position regarding dispute involving caretaker and other tenants.	Not Supported
91-290-0009	Unhappy with decision that Rentalsman cannot assist her.	Discontinued (Client)
91-290-0010	Alleges unfair decision re application for shelter allowance.	Resolved
91-290-0011	Alleging unfair eviction by Winnipeg Regional Housing Authority.	Information Supplied
91-290-0012	Delay in receiving response to inquiry.	Assistance Rendered
91-290-0013	Individual complaining that Landlord and Tenant Affairs has indicated they are unable to help regarding eviction notice from landlord.	Information Supplied
91-290-0014	Feels Landlord & Tenant Affairs should assist him in evicting tenant.	Information Supplied

Manitoba Hydro - 17

91-300-0001	Dispute over zoning rate applicable to mobile home park.	Resolved
91-300-0002	Dispute over hydro bill.	Not Supported
91-300-0003	Problem regarding outstanding bill.	Resolved
91-300-0004	Apartment block owner experiencing billing problems.	Not Supported
91-300-0005	Service disconnection due to account arrears.	Discontinued (Client)
91-300-0006	Alleges unfair treatment by Manitoba Hydro regarding allocation and leasing of space in Corporation owned shopping centre.	Pending

91-300-0007	Objecting to decision to terminate her long term disability benefits.	Resolved
91-300-0008	Objecting to disconnection of hydro service.	Not Supported
91-300-0009	Feels the Corporation should cover the costs of legal fees incurred to resolve dispute.	Resolved
91-300-0010	Alleges problem with meter reading has led to unfair billing.	Not Supported
91-300-0011	Alleges unfair billing by Manitoba Hydro and improper response to complaint regarding this matter.	Assistance Rendered
91-300-0012	Feels Manitoba Hydro has unfairly disconnected service because of outstanding bill of another party.	Resolved
91-300-0013	Billing dispute.	Pending
91-300-0014	Problem working out arrangement with Manitoba Hydro to pay outstanding bill to enable re-connection of hydro service.	Discontinued (Client)
91-300-0015	Complaining about disconnection of hydro power.	Information Supplied
91-300-0016	Billing dispute.	Pending
91-300-0017	Billing dispute.	Discontinued (Ombudsman)

Industry, Trade and Tourism - 2

91-310-0001	Alleges unfair action re application for permit for outfitters camp.	Not Supported
91-310-0002	Monitor recommendation of provincial judge on inquest regarding training and certification of scuba divers.	Pending

Labour - 11

91-320-0001	Dispute with Employment Standards regarding an Order under *The Payment of Wages Act.*	Not Supported
91-320-0002	Has not yet received building permit even though cheque paying for it has been cashed.	Resolved

91-320-0003	Unhappy with Department's decision regarding claim for payment of wages.	Resolved
91-320-0004	Individual is unhappy with the assistance provided by worker advocate.	Not Supported
91-320-0005	Feels he has been unjustly dealt with by Manitoba Labour Board.	Discontinued (Ombudsman)
91-320-0006	Objects to decision of Manitoba Labour Board.	Pending
91-320-0007	Unhappy with Department's response to concerns raised regarding workplace safety.	Pending
91-320-0008	Alleges problems getting complaint handled by Department.	Resolved
91-320-0009	Alleges improper handling by Department regarding wage complaint.	Discontinued (Client)
91-320-0010	Monitoring of recommendations made by provincial judge on inquest.	Discontinued (Ombudsman)
91-320-0011	Complainant seeking copy of investigation report on work place accident.	Information Supplied

Rural Development - 5

91-330-0001	Problems regarding application for subdivision of land.	Information Supplied
91-330-0002	Disputes property assessment and amount of taxes levied.	Information Supplied
91-330-0003	Concerns regarding the assessment of taxes on farm property.	Pending
91-330-0004	Concerns regarding flooding problem.	Information Supplied
91-330-0005	Concerns regarding Department's position regarding by law proposed by rural municipality.	Information Supplied

Municipalities, Cities, Towns, Etc. - 10

91-340-0001	Feels 24 hour time indicators regarding parking signs is confusing and that signs should contain conventional hours as well.	Information Supplied
91-340-0002	Problem regarding assessment, taxes and tax sale.	Assistance Rendered

91-340-0003	Unable to obtain character reference from police.	Information Supplied
91-340-0004	Alleges unfair decision by rural municipality not to recall him to work as a grader operator.	Declined
91-340-0005	Objects to council decision.	Assistance Rendered
91-340-0006	Problem regarding school division's change in policy regarding transportation of students.	Resolved
91-340-0007	Alleges lack of action by Winnipeg Police Department regarding enforcement of restraining order.	Information Supplied
91-340-0008	Complainant seeking information regarding accessing his house which had been closed by the City Public Health Inspection Division because of unsanitary conditions.	Information Supplied
91-340-0009	Feels claim against a municipality was unfairly denied.	Declined
91-340-0010	Billing problem with Winnipeg Hydro	Information Supplied

Manitoba Public Insurance Corporation - 54

91-350-0001	Alleges unfair treatment by Corporation regarding autopac claim.	Resolved
91-350-0002	Alleges unfair assessment of liability.	Not Supported
91-350-0003	Dispute regarding settlement of autopac claim.	Resolved
91-350-0005	Alleges unfair handling of autopac claim.	Resolved
91-350-0006	Alleges autopac agent is improperly handling her claim.	Partially Resolved
91-350-0007	Alleges unfair assessment of liability for accident and inability to obtain complete information from Corporation regarding accident.	Resolved
91-350-0008	Alleges unfair handling of autopac claim.	Information Supplied

91-350-0009	Concerns regarding inability to qualify for merit rate discount.	Not Supported
91-350-0010	Seeking clarification of corporation's policy of assessing motorcycles for insurance purposes.	Information Supplied
91-350-0011	Seeking clarification of Corporation's decision regarding autopac claim.	Information Supplied
91-350-0012	Alleges he was forced to accept unfair autopac settlement for bodily injury claim.	Not Supported
91-350-0013	Alleges Corporation will not refund 1989 overpayment of autopac premium.	Resolved
91-350-0014	Alleges unjust treatment re autopac claim.	Discontinued (Client)
91-350-0015	Alleges unfair handling of autopac claim.	Not Supported
91-350-0016	Alleges unfair treatment regarding autopac claim.	Pending
91-350-0017	Disputes liability assessment regarding car accident.	Not Supported
91-350-0018	Difficulty obtaining settlement regarding autopac claim.	Resolved
91-350-0019	Dispute over payment of deductible following car/pedestrian accident.	Not Supported
91-350-0020	Alleges unfair denial of autopac claim.	Not Supported
91-350-0021	Unhappy with Corporation's position regarding autopac claim.	Not Supported
91-350-0022	Alleges unfair denial of autopac claim.	Not Supported
91-350-0023	Alleges unfair denial of autopac claim.	Not Supported
91-350-0024	Alleges unfair denial of autopac claims.	Not Supported
91-350-0025	Unhappy with Corporation's proposal regarding repair of automatic aerial under autopac claim.	Discontinued (Client)
91-350-0026	Alleges intimidation and improper handling of autopac claim.	Not Supported
91-350-0027	Disputes Corporation's application of deductible regarding autopac claim.	Not Supported

91-350-0028	Feels denial of claim unfair.	Resolved
91-350-0029	Questioning assessment of motor vehicle accidents.	Information Supplied
91-350-0030	Feels his autopac claim has been unfairly denied.	Not Supported
91-350-0031	Alleges that the Corporation provided false information to the Worker's Compensation Board resulting in denial and delay on benefits.	Pending
91-350-0032	Objecting to surcharge on driver's licence.	Resolved
91-350-0033	Feels he should not have to pay deductible for autopac claim resulting from damage caused by gravel trucks.	Not Supported
91-350-0034	Dispute over liability regarding autopac claim.	Resolved
91-350-0035	Alleges Corporation's decision denying autopac coverage is harsh and inequitable and feels claim should be paid; also unable to obtain driver's licence because of debt owing to Corporation.	Resolved
91-350-0036	Disputes liability assessment.	Not Supported
91-350-0037	Expressing concerns over arbitration process and wants autopac claim re-opened.	Pending
91-350-0038	Individual seeking a review of the merit assessment on his driver's licence.	Not Supported
91-350-0039	Alleges improper handling and denial of autopac claim.	Pending
91-350-0040	Feels Corporation has information available regarding vehicle values which it refuses to give him.	Information Supplied
91-350-0041	Alleges unfair treatment regarding autopac claim.	Pending
91-350-0042	Disagrees with proposed settlement regarding autopac claim.	Resolved
91-350-0043	Alleges unfair settlement being proposed by Corporation regarding claim for bodily injury resulting from child's accident in school yard.	Not Supported

91-350-0044	Feels autopac claim settlement is unfair.	Pending
91-350-0045	Individual feels that MPIC employee is in a conflict of interest and abused privileged information to orchestrate a suit against son.	Not Supported
91-350-0046	Alleges unfair liability assessment resulting in loss of merit points and extra cost for driver's licence.	Pending
91-350-0047	Disagrees with Corporation's decision regarding autopac claim.	Pending
91-350-0048	Concern over handling of autopac claim.	Information Supplied
91-350-0049	Objects to the requirement of having to pay two deductibles.	Pending
91-350-0050	Dispute over autopac claim settlement.	Pending
91-350-0051	Feels Corporation in Stonewalling Autopac Claim for total disability payments.	Pending
91-350-0052	Alleged delays and inappropriate handling of injury claims.	Pending
91-350-0053	Autopac claim dispute.	Pending
91-350-0054	Alleging unfair liability assessments for two accidents.	Information Supplied
91-350-0055	Objecting to denial of autopac claim.	Pending

Natural Resources - 15

91-360-0001	Alleges unfair action regarding application for permit for outfitters camp.	Pending
91-360-0002	Monitor recommendation of provincial judge on inquest.	Resolved
91-360-0003	Alleges unfair and discriminatory action by Department in the dissemination of information.	Pending
91-360-0004	Employee seeking information as to whether compensation is available regarding injury which occurred about twelve years ago.	Discontinued (Client)

91-360-0005	Unhappy with decision denying compensation for damage caused, by elk, to leaf-cutter beehives.	Pending
91-360-0006	Monitor recommendation of provincial judge on inquest regarding provision of emergency parking.	Pending
91-360-0007	Drainage problems.	Partially Resolved
91-360-0008	Alleging harassment by fisheries officers.	Pending
91-360-0009	Unhappy with reclassification granted by the Department.	Pending
91-360-0010	Objects to the issuance of a water licence to a proposed hog operation.	Resolved
91-360-0011	Individual seeks to have commercial fishing license transferred from deceased brother.	Pending
91-360-0012	Alleges inappropriate action by official caused individual difficulty in the operation of his business.	Resolved
91-360-0013	Refused access to information.	Information Supplied
91-360-0014	Disagrees with Department's decision approving wildlife heritage park project.	Pending
91-360-0015	Monitoring correspondence between lawyer and Department regarding drainage problem.	Pending

Northern Affairs - 3

91-370-0001	Alleges mismanagement by Department and community council.	Information Supplied
91-370-0002	Alleges unfair action re application for permit for outfitters camp.	Pending
91-370-0003	Concerns regarding cottage owners association acting as "extension" of Department.	Pending

Private Matters - 52

91-380-0001	Alleges inappropriate action and harassment by police.	Information Supplied

91-380-0002	Resident living at hotel complaining about room temperatures.	Assistance Rendered
91-380-0003	City official requested assistance on behalf of constituent.	Information Supplied
91-380-0004	Seeking help to obtain more information regarding a denture cream taken off the shelf, apparently for health reasons.	Assistance Rendered
91-380-0005	Questioning the validity of a claim for personal bankruptcy filed by a friend.	Information Supplied
91-380-0006	Group of employees unhappy about not being included in pay equity program.	Assistance Rendered
91-380-0007	Handicapped person in nursing home unable to move to residential centre.	Information Supplied
91-380-0008	Consumer unhappy with product and service received.	Information Supplied
91-380-0009	Dissatisfied customer unable to resolve problem involving livingroom furniture.	Information Supplied
91-380-0010	Seeking information re disability coverage.	Information Supplied
91-380-0011	Feels the buying and selling of franchises should be government regulated.	Information Supplied
91-380-0012	Consumer experiencing difficulties regarding purchase of dining room furniture.	Information Supplied
91-380-0013	Monitor inquest.	Pending
91-380-0014	Numerous non-jurisdictional and personal concerns.	Information Supplied
91-380-0015	Alleges unfair refusal of medical services at Health Sciences Centre by doctor to whom he had been referred.	Information Supplied
91-380-0016	Concerns involving operation of self-help housing cooperative.	Information Supplied
91-380-0017	Various freedom of information concerns.	Information Supplied
91-380-0018	Consumer problem involving hazardous automobile seat.	Information Supplied
91-380-0019	Consumer alleging telephone and mail order fraud.	Assistance Rendered

91-380-0020	Woman requests assistance in proving husband faked death.	Assistance Rendered
91-380-0021	Customer having difficulty closing out account with company.	Assistance Rendered
91-380-0022	Individuals raising environmental concerns regarding the construction of a bulk storage plant.	Information Supplied
91-380-0023	Concerned about the effect of budget cuts on services to families and children.	Information Supplied
91-380-0024	Question concerning debt owing to estate, professional conduct of executor, and court judgement.	Information Supplied
91-380-0025	Seeking advice regarding injuries Information Supplied allegedly caused by accident at employment about thirty-three years ago.	
91-380-0026	Alleges unfair treatment from employer.	Information Supplied
91-380-0027	Disputes denial of coverage by private insurance company.	Assistance Rendered
91-380-0028	Problems regarding receipt of federal cheques.	Information Supplied
91-380-0029	Many private, personal and non-jurisdictional concerns.	Information Supplied
91-380-0030	Alleges unfair treatment at city bus terminal.	Information Supplied
91-380-0031	Alleging verbal and physical abuse of mentally handicapped clients participating in community program.	Information Supplied
91-380-0032	Employer/employee problem.	Information Supplied
91-380-0033	Billing dispute with gas company.	Assistance Rendered
91-380-0034	Individual expressing concern regarding decision making process at municipal government level.	Information Supplied
91-380-0035	Difficulty obtaining refund from Humane Society after returning adopted dog.	Information Supplied
91-380-0036	Problem involving family court case and disposition of marital property.	Information Supplied

91-380-0037	Feels law society is not properly handling complaint against lawyer.	Information Supplied
91-380-0039	Alleging improper transfer of title through tax sale.	Pending
91-380-0040	Alleging wrongful dismissal of employee.	Discontinued (Ombudsman)
91-380-0041	Complaint against lawyer.	Information Supplied
91-380-0042	Complaining about paging company's signal tower interfering with television signal reception.	Information Supplied
91-380-0043	Concern over medical expenses incurred out-of-province.	Pending
91-380-0044	Consumer unhappy about error made by seed company.	Assistance Rendered
91-380-0045	Individual wishing to lay several law suits.	Information Supplied
91-380-0046	Individual questioning the business practices of a particular business.	Information Supplied
91-380-0047	Individual complaining about employment standards and practices at local business establishment.	Discontinued (Ombudsman)
91-380-0048	Feels unfairly charged for use of improper motorcycle helmet.	Information Supplied
91-380-0049	Concerns regarding access to records at Child Guidance Clinic.	Information Supplied
91-380-0050	Feels Landlord and Tenant Affairs should assist him in evicting tenant.	Information Supplied
91-380-0051	Alleging unfair treatment by the Manitoba Association of Chiropodists in the matter of examination for a licence.	Information Supplied
91-380-0052	Daughter complaining on behalf of father regarding employment problems.	Information Supplied
91-380-0053	Complainant angry because court did not accept his petition.	Declined

Workers Compensation Board - 96

91-410-0001	Feels Appeal Panel's decision was unfair and unreasonable.	Pending
91-410-0002	Alleges unfair decision by Board regarding claim.	Pending
91-410-0003	Seeking assistance regarding compensation claim.	Not Supported
91-410-0004	Individual unhappy with Appeal Panel's decision regarding compensation claim.	Pending
91-410-0005	Alleges unfair treatment regarding compensation claim.	Information Supplied
91-410-0006	Complaining about denial of compensation claim.	Information Supplied
91-410-0007	Unhappy with Board's refusal of compensation claim.	Information Supplied
91-410-0008	Difficulty obtaining information from Board regarding status of claim.	Resolved
91-410-0009	Alleges inaccurate statement in Board Summary of decision regarding her claim.	Information Supplied
91-410-0010	Dispute over decision of Board rejecting compensation claim.	Pending
91-410-0011	Seeking clarification regarding termination of claim and alleged overpayment.	Discontinued (Ombudsman)
91-410-0012	Concerns regarding Access Officer for WCB.	Pending
91-410-0013	Alleges inadequate communication by official regarding his compensation claim.	Pending
91-410-0014	Alleges unjust treatment by Board regarding compensation claim and services available.	Information Supplied
91-410-0015	Feels Board should reconsider its decision regarding claim.	Pending
91-410-0016	Seeking reconsideration of decision of Chief Appeal Commissioner.	Pending

91-410-0017	Feels Board has made an unfair decision to rescind 1% disability rating and charge overpayment of compensation.	Information Supplied
91-410-0018	Unhappy with termination of benefits.	Information Supplied
91-410-0019	Claimant does not receive compensation cheques on a regular basis.	Pending
91-410-0020	Alleges unjust decision by Board regarding compensation claim.	Pending
91-410-0021	Feels Board is unfairly delaying making a decision regarding compensation claim.	Pending
91-410-0022	Alleges unreasonable delay in providing lump sum settlement.	Discontinued (Client)
91-410-0023	Difficulties obtaining compensation benefits.	Discontinued (Client)
91-410-0024	Disagrees with Board's decision that he is not entitled to compensation benefits.	Pending
91-410-0025	Alleges unfair treatment by Workers Compensation Board.	Information Supplied
91-410-0026	Concerns regarding compensation claim dating back ten years.	Discontinued (Ombudsman)
91-410-0027	Alleges unfair treatment regarding compensation claim.	Information Supplied
91-410-0028	Alleges unfair termination of rehabilitation benefits.	Discontinued (Ombudsman)
91-410-0029	Alleges Board has made an error in charging him with an overpayment of compensation benefits.	Information Supplied
91-410-0030	Objecting to Appeal Panel's decision disallowing entitlement to further benefits.	Pending
91-410-0031	Seeking assistance regarding obtaining compensation benefits.	Information Supplied
91-410-0032	Objecting to denial of compensation claim.	Information Supplied

91-410-0033	Seeking clarification regarding status of his claim for compensation benefits.	Pending
91-410-0034	Unhappy with Appeal Panel's decision denying claim.	Not Supported
91-410-0035	Alleges unfair treatment regarding compensation claim.	Information Supplied
91-410-0036	Alleges unfair treatment and defamation of character by Workers Compensation Board.	Not Supported
91-410-0037	Disagrees with decision denying claim.	Information Supplied
91-410-0038	Unhappy with decision regarding compensation claim.	Pending
91-410-0039	Worker objecting to termination of compensation benefits.	Information Supplied
91-410-0040	Employer disagrees with late filing penalty included in notice of assessment.	Information Supplied
91-410-0041	Feels Board has unfairly denied compensation benefits covering a six month period.	Not Supported
91-410-0042	Individual is unhappy with the apparent delay in making a decision about a claim submitted.	Resolved
91-410-0043	Alleges unfair decision regarding compensation claim.	Information Supplied
91-410-0044	Alleges unfair treatment regarding compensation claim.	Not Supported
91-410-0045	Seeking assistance regarding delay in resolving compensation claim.	Resolved
91-410-0046	Disagrees with Board's decision terminating his compensation benefits.	Assistance Rendered
91-410-0047	Claimant objects to discontinuance of benefits.	Not Supported
91-410-0048	Concern over alleged delay in processing claim.	Pending
91-410-0049	Seeking information regarding 1969 claim.	Information Supplied

91-410-0050	Requesting review of Appeal Board's decision.	Not Supported
91-410-0051	Alleges unfair treatment and harassment by Compensation Board officials.	Pending
91-410-0052	Disagrees with decision of Chief Appeal Commissioner.	Not Supported
91-410-0053	Concern over settlement of compensation claim.	Assistance Rendered
91-410-0054	Objecting to termination of compensation benefits five years ago.	Information Supplied
91-410-0055	Disagrees with decision of Chief Appeal Commissioner.	Not Supported
91-410-0056	Concerns regarding payment of benefits for continuance of disability.	Information Supplied
91-410-0057	Feels it is unreasonable that there will be a two month delay before Board hears his appeal.	Discontinued (Client)
91-410-0058	Disagrees with decision of Chief Appeal Commissioner not to reconsider claim.	Assistance Rendered
91-410-0059	Seeking reinstatement of compensation benefits.	Information Supplied
91-410-0060	Alleges that WCB failed to take action against his employer after WCB premiums were wrongly deducted from his cheque.	Pending
91-410-0061	Dissatisfied with Board's handling of his claim.	Resolved
91-410-0062	Alleged delay in resolving claim.	Pending
91-410-0063	Claimant objects to Board's repeated request for asthma testing.	Information Supplied
91-410-0064	Disagrees with Board's decision regarding compensation claim.	Pending
91-410-0065	Unhappy with decision of Appeal Panel regarding compensation claim.	Pending
91-410-0066	Injured worker feels he is getting run-around regarding compensation claim.	Resolved

91-410-0067	Difficulty obtaining compensation payments.	Resolved
91-410-0068	Difficulty obtaining decision regarding compensation claim.	Resolved
91-410-0069	Has not received any decision regarding compensation claim.	Resolved
91-410-0070	Unhappy with the Chief Appeal Commissioner's decision to not grant reconsideration of claim.	Not Supported
91-410-0071	Alleges undue delay in medical reports being submitted to the Compensation Board.	Resolved
91-410-0072	Alleges unreasonable delay by Board in reaching decision regarding claim.	Resolved
91-410-0073	Individual alleges that the Workers Compensation Board is delaying making a decision on his case at the Review Panel level.	Resolved
91-410-0074	Disagrees with Board's decision to terminate compensation benefits.	Pending
91-410-0075	Follow up with Board regarding their review of the hearing loss chart.	Pending
91-410-0076	Claimant alleges Board improperly shared information regarding his claim to an unauthorized party.	Pending
91-410-0077	Disagrees with decision of Workers Compensation Board Appeal Panel.	Pending
91-410-0078	Delay in obtaining decision of Appeal Panel.	Resolved
91-410-0079	Objecting to decision denying compensation.	Information Supplied
91-410-0080	Alleges unfair late filing penalty.	Pending
91-410-0081	Disagrees with Board's decision regarding compensation claim.	Information Supplied
91-410-0082	Objects to Appeal Panel's decision.	Pending
91-410-0083	Raising concern about amount of disability pension.	Information Supplied

91-410-0084	Concerned over delay in scheduling appeal hearing.	Pending
91-410-0085	Unhappy with the recent decision of Workers Compensation Board regarding claim of rehabilitation assistance.	Pending
91-410-0086	Alleges unfair treatment of workers compensation claim.	Information Supplied
91-410-0087	Delay in receiving an appeal hearing.	Pending
91-410-0088	Concerns regarding compensation claim.	Information Supplied
91-410-0089	Concerns regarding compensation claim.	Information Supplied
91-410-0090	Concerned over denial of claim for compensation.	Information Supplied
91-410-0091	Disagrees with decision regarding compensation claim.	Information Supplied
91-410-0092	Objects to decision that he was overpaid special additional compensation benefits.	Pending
91-410-0093	Worker disagrees with termination of compensation benefits.	Information Supplied
91-410-0094	Alleges procrastination by Board regarding reviewing compensation claim.	Pending
91-410-0095	Worker complaining about reduction of his compensation benefits and also complaining that his cheques have always been late.	Pending
91-410-0096	Objecting to termination of compensation benefits and request for return of overpayment.	Pending

CHAPTER O45

THE OMBUDSMAN ACT

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of Manitoba, enacts as follows:

Definitions.

1 In this Act,

"agency of the government" means any board, commission, association, or other body of persons, whether incorporated or unincorporated, all the members of which or all the members of the board of management or board of directors of which,

(a) are appointed by an Act of the Legislature or by order of the Lieutenant Governor in Council, or

(b) if not so appointed, in the discharge of their duties are public officers or servants of the Crown, or for the proper discharge of their duties are, directly or indirectly, responsible to the Crown; ("organisme gouvernemental")

"department" means a department or branch of the executive government of the province; ("ministère")

"minister" means a member of the Executive Council. ("ministre")

Appointment of Ombudsman.

2(1) The Lieutenant Governor in Council shall, on the recommendation of the Standing Committee of the Assembly on Privileges and Elections, appoint a Canadian citizen as Ombudsman for the Province of Manitoba.

CHAPITRE O45

LOI SUR L'OMBUDSMAN

SA MAJESTÉ, sur l'avis et du consentement de l'Assemblée législative du Manitoba, édicte :

Définitions

1 Les définitions qui suivent s'appliquent à la présente loi.

"ministère" Ministère ou direction du gouvernement du Manitoba. ("department")

"ministre" Membre du Conseil exécutif. ("minister")

"organisme gouvernemental" Régie, commission, association ou autre groupe de personnes, constitué ou non en corporation, dont les membres ou les membres du conseil d'administration ou du conseil de direction :

a) sont nommés en vertu d'une loi de la Législature ou par décret du lieutenant-gouverneur en conseil;

b) sont, s'ils ne sont pas ainsi nommés, dans l'accomplissement de leurs fonctions des officiers publics ou des employés du gouvernement ou, pour l'accomplissement efficace de leurs fonctions, directement ou indirectement responsables devant la Couronne. ("agency of the government")

Nomination de l'ombudsman

2(1) Sur la recommandation du Comité permanent des privilèges et élections de l'Assemblée, le lieutenant-gouverneur en conseil nomme un ombudsman pour la province du Manitoba. Il doit être citoyen canadien.

Recommendations of committee on privileges and elections.

2(2) Where

(a) the office of Ombudsman is vacant; or

(b) the term of the Ombudsman in office will expire within 12 months; or

(c) the Ombudsman has tendered his resignation to take effect within 12 months;

the President of the Executive Council shall convene a meeting of the Standing Committee of the Assembly on Privileges and Elections which shall consider persons suitable and available to be appointed as Ombudsman and shall make recommendations in respect thereto to the President of the Executive Council.

Meetings of Standing Committee.

2(3) The Standing Committee of the Assembly on Privileges and Elections may, for the purposes of performing its functions under this section, meet during session of the Legislature or during recess after prorogation.

Officer of Legislature.

3(1) The Ombudsman is an officer of the Legislature and is not eligible to be nominated for, elected as, or sit as, a member of the Assembly.

Restrictions on employment.

3(2) The Ombudsman shall not hold any other public office or carry on any trade, business, or profession.

Term of office.

4(1) Unless he sooner resigns, dies or is removed from office, the Ombudsman shall hold office for six years from the date of his appointment, and a person may be re-appointed for a second term of six years, but not for more than two terms of six years.

Resignation.

4(2) The Ombudsman may resign his office in writing addressed to the Speaker of the Assembly, or, if there is no Speaker or the Speaker is absent, to the clerk of the Assembly.

Recommandations

2(2) Le président du Conseil exécutif doit convoquer une réunion du Comité permanent des privilèges et élections de l'Assemblée lorsque se présente l'un des cas suivants :

a) la charge de l'ombudsman est vacante;

b) le mandat de l'ombudsman expire dans les 12 mois;

c) l'ombudsman a donné un préavis de 12 mois de sa démission.

Le Comité doit alors établir une liste des personnes qu'il estime convenables et disponibles pour le poste d'ombudsman; il fait ensuite ses recommandations au président du Conseil exécutif.

Réunions

2(3) Le Comité permanent des privilèges et élections de l'Assemblée peut, pour l'accomplissement des fonctions prévues au présent article, se réunir au cours d'une session de la Législature ou lorsque cette session a été prorogée.

Haut fonctionnaire de la Législature

3(1) L'ombudsman est un haut fonctionnaire de la Législature; il ne peut être nommé ni élu membre de l'Assemblée ni y siéger à ce titre.

Incompatibilité d'emploi

3(2) L'ombudsman ne peut être titulaire d'une autre charge publique, exercer un métier ou une profession ni faire du commerce.

Mandat

4(1) À moins qu'il ne démissionne, ne décède ou qu'il ne soit destitué, l'ombudsman occupe son poste pendant six ans à compter de la date de sa nomination. Son mandat est renouvelable pour six ans mais l'ombudsman ne peut rester en poste plus de 12 années.

Démission

4(2) L'ombudsman peut présenter sa démission en le faisant par écrit auprès de l'orateur de l'Assemblée ou, s'il n'y a pas d'orateur ou en cas d'absence de celui-ci, en la présentant au greffier de l'Assemblée.

Removal or suspension.
5 The Lieutenant Governor in Council, on a resolution of the Assembly carried by a vote of 2/3 of the members of the Assembly voting thereon, may remove the Ombudsman from office or suspend him.

Suspension when Legislature not sitting.
6(1) At any time the Legislature is not in session, the Lieutenant Governor in Council may suspend the Ombudsman for disability, neglect of duty, misconduct or bankruptcy proved to the satisfaction of the Lieutenant Governor in Council, but the suspension shall not continue in force beyond the end of the next ensuing session of the Legislature.

Acting Ombudsman.
6(2) Where the office of the Ombudsman is vacant, or the Ombudsman is suspended under subsection (1), the Lieutenant Governor in Council shall appoint an acting Ombudsman to hold office until another Ombudsman is appointed under section 2 or the suspension has been dealt with in the Assembly.

Salary.
7(1) The Ombudsman shall be paid a salary fixed by the Lieutenant Governor in Council, which shall be charged to and paid out of the Consolidated Fund.

Reduction of salary.
7(2) The salary of the Ombudsman shall not be reduced except on resolution of the Assembly carried by a vote of 2/3 of the members of the Assembly voting thereon.

Expenses.
8 The Ombudsman shall be paid such travelling and out of pocket expenses incurred by him in the performance of his duties as may be approved by the Provincial Auditor.

Application of Civil Service Superannuation Act.
9(1) The Ombudsman, and all persons employed under him, are employees within the meaning of The Civil Service Superannuation Act.

Destitution ou suspension
5 Le lieutenant-gouverneur en conseil, à la suite d'une résolution votée par l'Assemblée aux 2/3 des suffrages exprimés, peut destituer ou suspendre l'ombudsman de ses fonctions.

Suspension en dehors des sessions
6(1) En dehors des sessions de la Législature, le lieutenant-gouverneur en conseil peut suspendre l'ombudsman pour incapacité, pour manquement aux devoirs de sa charge, pour inconduite ou faillite personnelle. Ces faits doivent avoir été prouvés à la satisfaction du lieutenant-gouverneur en conseil. Toutefois, la suspension ne se perpétue pas au delà de la fin de la session suivante.

Intérim
6(2) Lorsque la charge d'ombudsman est vacante ou lorsque l'ombudsman est suspendu en vertu du paragraphe (1), le lieutenant-gouverneur en conseil nomme un ombudsman intérimaire jusqu'à ce que son successeur soit nommé en vertu de l'article 2 ou jusqu'à ce que l'Assemblée ait pris une décision au sujet de la suspension.

Rémunération
7(1) Le lieutenant-gouverneur en conseil fixe la rémunération de l'ombudsman, laquelle est payée sur le Trésor.

Réduction de rémunération
7(2) Seule l'Assemblée peut, par un vote des 2/3 des suffrages exprimés, réduire la rémunération de l'ombudsman.

Frais
8 L'ombudsman a droit au remboursement des frais qu'il fait dans l'exercice de ses fonctions, qu'il s'agisse de frais de déplacement ou de frais divers. Ces frais doivent être approuvés par le vérificateur provincial.

Loi sur la pension de la fonction publique
9(1) L'ombudsman ainsi que les personnes qui travaillent pour lui sont des employés au sens de la Loi sur la pension de la fonction publique.

Application of The Civil Service Act.
9(2) The Ombudsman is not subject to The Civil Service Act except section 44 thereof which applies to him but he is entitled to the privileges and perquisites of office, including holidays, vacations, sick leave and severance pay, of a member of the civil service who is not covered by a collective agreement.

Employees under Ombudsman.
9(3) The Civil Service Act applies to persons employed under the Ombudsman.

Oath of office.
10 Before beginning to perform his duties, the Ombudsman shall take an oath before the Speaker of the Assembly or the Clerk of the Assembly that he will faithfully and impartially perform the duties of his office and that he will not, except as herein provided, divulge any information received by him under this Act.

Oath of staff.
11 Every person employed under the Ombudsman shall, before he begins to perform the duties, take an oath before the Ombudsman that he will not, except as herein provided, divulge any information received by him under this Act.

Secrecy.
12(1) The Ombudsman and every person employed under him shall maintain secrecy in respect of all matters that come to their knowledge in the exercise of their duties or functions under this Act.

Disclosure in reports.
12(2) Notwithstanding subsection (1) or any oath taken under this Act, the Ombudsman may disclose in a report made by him under this Act any matters which he considers necessary to disclose in order to establish grounds for his conclusions and recommendations.

Application de la Loi sur la fonction publique
9(2) L'ombudsman n'est pas soumis à la Loi sur la fonction publique à l'exception de l'article 44 de cette loi. Par contre, il a droit aux privilèges et aux avantages sociaux, y compris les jours fériés, les vacances, les congés de maladie et les indemnités de licenciement, qui sont applicables aux employés de la fonction publique non régis par une convention collective.

Employés de l'ombudsman
9(3) La Loi sur la fonction publique s'applique aux employés de l'ombudsman.

Serment professionnel
10 Avant d'entrer en fonction l'ombudsman doit prêter serment devant l'orateur ou le greffier de l'Assemblée. Il s'engage par ce serment à remplir de bonne foi et en toute impartialité les devoirs de sa charge et à ne pas divulguer les renseignements auxquels il a accès dans le cadre de la présente loi sauf dans les cas qu'elle prévoit.

Assermentation du personnel
11 Les employés de l'ombudsman doivent, avant d'entrer en fonction, prêter serment devant l'ombudsman. Ils s'engagent par ce serment à ne divulguer aucun des renseignements auxquels ils ont accès dans le cadre de la présente loi sauf dans les cas qu'elle prévoit.

Confidentialité
12(1) L'ombudsman et ses employés doivent respecter la nature confidentielle de tout renseignement porté à leur connaissance dans l'exercice des pouvoirs et fonctions que leur assigne la présente loi.

Divulgation dans les rapports
12(2) Malgré le paragraphe (1) et malgré les serments prêtés en vertu de la présente loi, l'ombudsman peut révéler dans un rapport établi en vertu de la présente loi les faits qu'il considère nécessaire de révéler pour fonder ses conclusions et recommandations.

Powers under Part V of The Evidence Act
13 The Ombudsman has the protection and powers of a commissioner appointed under Part V of The Manitoba Evidence Act; but section 85 of The Manitoba Evidence Act does not apply to the Ombudsman and no notice of appointment, of the purpose and scope of inquiries to be made by the Ombudsman, or of the time and place of the holding of any hearing or inquiry by the Ombudsman, need be published as required under section 86 of The Manitoba Evidence Act.

Delegation
14(1) The Ombudsman may in writing delegate to any person any of his powers under this Act except the power of delegation under this section and the power to make a report under this Act.

Evidence of delegation
14(2) A person purporting to exercise the power of the Ombudsman by virtue of the delegation under subsection (1) shall produce evidence of his authority to exercise that power when required to do so.

Investigations
15 The Ombudsman may, on a written complaint or on his own initiative, investigate any decision or recommendation made, including any recommendation made to a minister, or any act done or omitted, relating to a matter of administration in or by any department or agency of the government, or by any officer, employee or member thereof, whereby any person is or may be aggrieved.

Ombudsman services to City of Winnipeg
15.1(1) Notwithstanding subsection 3(2) of this Act and subsection 66(5) of The City of Winnipeg Act, where an agreement with the City of Winnipeg is entered into under subsection (2), the Ombudsman shall provide the services of an ombudsman to the City of Winnipeg in accordance with that agreement.
S.M. 1990-91, c. 10, s. 2; S.M. 1991-92, c. 41, s. 20.

Minister may enter into agreement
15.1(2) The Lieutenant Governor in Council may authorize a minister to enter into an agreement with the City of Winnipeg relating to the provision of ombudsman services to the City of Winnipeg by the Ombudsman.
S.M. 1990-91, c. 10, s. 2; S.M. 1991-92, c. 41, s. 20.

Pouvoirs et protection
13 L'ombudsman jouit de la protection et des pouvoirs accordés à un commissaire nommé en vertu de la partie V de la Loi sur la preuve au Manitoba. Toutefois, l'article 85 de cette loi ne n'applique pas à l'ombudsman. Les avis relatifs à la convocation, à l'objet et à la portée des enquêtes de l'ombudsman ainsi que les avis relatifs aux moments et lieux des audiences et des enquêtes de l'ombudsman n'ont pas à être publiés comme l'exige l'article 86 de la Loi sur la preuve au Manitoba.

Délégation de pouvoir
14(1) L'ombudsman peut par écrit déléguer les pouvoirs que lui confère la présente loi à l'exception du pouvoir de délégation que lui confère le présent article et du pouvoir de faire rapport en application de la présente loi.

Preuve de la délégation de pouvoir
14(2) La personne investie d'un pouvoir délégué de l'ombudsman en vertu du paragraphe (1) doit, lorsqu'on le lui demande, faire la preuve de sa délégation.

Enquêtes
15 L'ombudsman peut, sur plainte écrite ou de sa propre initiative, faire enquête lorsqu'une personne subit un préjudice ou risque de subir un préjudice du fait d'une décision, d'une recommandation, y compris la recommandation faite à un ministre, ou d'un acte relatifs à l'administration gouvernementale, commis ou omis par un ministère ou un organisme gouvernemental, ou par un de leurs cadres, membres ou employés.

Prestation de services à la Ville de Winnipeg
15.1(1) Malgré le paragraphe 3(2) de la présente loi et le paragraphe 66(5) de la Loi sur la Ville de Winnipeg, l'ombudsman offre ses services à la Ville de Winnipeg conformément à l'entente conclue, le cas échéant, en application du paragraphe (2).
L.M. 1990-91, c. 10, art. 2; L.M. 1991-92, c. 41, art. 20.

Conclusion d'ententes par le ministre
15.1(2) Le lieutenant-gouverneur en conseil peut autoriser un ministre à conclure, avec la Ville de Winnipeg, une entente prévoyant la prestation des services de l'ombudsman à la Ville de Winnipeg.
L.M. 1990-91, c. 10, art. 2; L.M. 1991-92, c. 41, art. 20.

Payments into Consolidated Fund

15.1(3) Amounts payable by the City of Winnipeg pursuant to an agreement under subsection (2) are payable to the Province of Manitoba and shall be deposited in the Consolidated Fund.

S.M. 1990-91, c. 10, s. 2; S.M. 1991-92, c. 41, s. 20.

Five year sunset clause

15.2(1) Subject to subsection (3), section 15.1 expires and is no longer in force and effect on the fifth anniversary date of the coming into force of the section.

S.M. 1990-91, c. 10, s. 2.

Review by Assembly

15.2(2) Upon expiry of section 15.1, the Standing Committee of the Assembly on Privileges and Elections, or such other committee of the Assembly or other committee or person as the Assembly may specify by resolution, shall review the services provided by the Ombudsman to the City of Winnipeg under section 15.1 and shall, no later than 6 months after expiry of section 15.1, table a report, with or without recommendations, in the Assembly.

S.M. 1990-91, c. 10, s. 2.

Services continue during review

15.2(3) Notwithstanding subsection (1), an agreement under section 15.1, entered into before expiry of the section, shall, at the election of either party, remain in force and effect until such time as the Legislature otherwise provides.

S.M. 1990-91, c. 10, s. 2; S.M. 1991-92, c. 41, s. 20.

Reference by committees of assembly

16(1) A committee of the assembly may at any time refer to the Ombudsman, for investigation and report by him, any petition or matter that is before that committee for consideration; and the Ombudsman shall

(a) subject to any special directions of the committee, investigate the petition or matter referred to him so far as it is within his jurisdiction; and

(b) make such report to the committee as he thinks fit.

Paiements au Trésor

15.1(3) Les sommes exigibles de la Ville de Winnipeg au titre d'une entente conclue en application du paragraphe (2) sont versées à la province du Manitoba et déposées dans le Trésor.

L.M. 1990-91, c. 10, art. 2; L.M. 1991-92, c. 41, art. 20.

Disposition de temporarisation

15.2(1) Sous réserve du paragraphe (3), l'article 15.1 cesse d'avoir effet le cinquième jour anniversaire de son entrée en vigueur.

L.M. 1990-91, c. 10, art. 2.

Examen par l'Assemblée

15.2(2) À la cessation d'effet de l'article 15.1, le Comité permanent des privilèges et élections ou tout autre comité de l'Assemblée ou encore le comité ou la personne que l'Assemblée indique par résolution se penche sur les services fournis par l'ombudsman à la Ville de Winnipeg en application de l'article 15.1 et, au plus tard six mois après la cessation d'effet de cet article, dépose un rapport, accompagné ou non de recommandations, à l'Assemblée.

L.M. 1990-91, c. 10, art. 2.

Maintien des services

15.2(3) Malgré le paragraphe (1), l'entente visée à l'article 15.1 demeure, au choix de l'une ou l'autre des parties, en vigueur jusqu'à décision contraire de la Législature, si elle est conclue avant la cessation d'effet de cet article.

L.M. 1990-91, c. 10, art. 2.

Renvoi par les comités de l'Assemblée

16(1) Un comité de l'Assemblée peut à tout moment saisir l'ombudsman d'une question qu'il examine et au sujet de laquelle il demande à l'ombudsman de faire enquête et de lui faire rapport. L'ombudsman doit alors :

a) faire enquête, sous réserve de toute directive spéciale du comité, sur la question qui lui est soumise pour autant qu'elle relève de sa compétence;

b) adresser au comité le rapport qui lui semble approprié.

Reference by Lieutenant Governor in Council
16(2) The Lieutenant Governor in Council may at any time refer to the Ombudsman, for investigation and report by him, any matter relating to administration in or by any department or agency of the government, or by any officer, employee or member thereof; and the Ombudsman shall,

(a) subject to any special direction of the Lieutenant Governor in Council, investigate the matter referred to him so far as it is within his jurisdiction; and

(b) make such report to the Lieutenant Governor in Council as he thinks fit.

Exercise of powers
17 The Ombudsman may exercise and perform the powers, duties and functions conferred or imposed on him under this Act notwithstanding any provision of any other Act of the Legislature

(a) that any decision, recommendation, act or omission that he is investigating is final; or

(b) that no appeal lies in respect thereof; or

(c) that no proceeding or decision of the department, agency of the government, officer, employee, or person whose decision, recommendation, act or omission it is shall be challenged, reviewed, quashed or called in question.

Restriction on jurisdiction
18 Nothing in this Act authorizes the Ombudsman to investigate

(a) any decision, recommendation, act, order or omission of the Legislature, the assembly, the Lieutenant Governor, a committee of the assembly, the Lieutenant Governor in Council, the Executive Council, or a committee of the Executive Council; or

Renvoi par le lieutenant-gouverneur en conseil
16(2) Le lieutenant-gouverneur en conseil peut en tout temps saisir l'ombudsman de toute question relative à l'administration gouvernementale, qu'il s'agisse d'un ministère ou d'un organisme gouvernemental, d'un de leurs cadres, employés ou membres et peut lui demander de faire enquête et de lui faire rapport. L'ombudsman doit alors :

a) faire enquête, sous réserve de toute directive spéciale du lieutenant-gouverneur en conseil, sur la question qui lui est soumise pour autant qu'elle relève de sa compétence;

b) adresser au lieutenant-gouverneur en conseil le rapport qui lui semble approprié.

Exercice des pouvoirs
17 L'ombudsman peut exercer les pouvoirs et fonctions que lui confère ou que lui impose la présente loi malgré toute disposition d'une autre loi provinciale qui prévoit que :

a) toute décision, recommandation, action ou omission concernée est définitive;

b) il ne peut y avoir appel dans le cas concerné;

c) il ne peut y avoir opposition, révision, annulation ou remise en question d'une procédure ou d'une décision du ministère, de l'organisme gouvernemental, du cadre, de l'employé ou de la personne dont la décision, la recommandation, l'action ou l'omission est en cause.

Domaine de compétence
18 La présente loi n'autorise pas l'ombudsman à faire enquête sur l'un ou l'autre des actes suivants :

a) les décisions, recommandations, actes, ordres ou omissions de la Législature, de l'Assemblée, du lieutenant-gouverneur, d'un comité de l'Assemblée, du lieutenant-gouverneur en conseil, du Conseil exécutif ou d'un comité du Conseil exécutif;

(b) any order, decision or omission of a court, a judge of a court, a referee or master of a court, a magistrate or a justice of the peace made or given in any action or proceeding in the court, or before the judge, referee, master, magistrate or justice of the peace; or

(c) any award, decision, recommendation or omission of an arbitrator or board of arbitrators in an arbitration to which The Arbitration Act applies; or

Act continues on page 7.

b) les ordonnances, décisions ou omissions d'un tribubal, d'un juge d'un tribunal, d'un juge des renvois, d'un conseiller maître du tribunal, d'un magistrat ou d'un juge de paix, lors d'une action ou d'une procédure devant le tribunal ou devant le juge, le juge des renvois, le conseiller maître, le magistrat ou le juge de paix;

c) les sentences arbitrales, décisions, recommandations ou omissions d'un arbitre ou d'un conseil arbitral lors d'un arbitrage soumis à la Loi sur l'arbitrage;

Suite à la page 7.

(d) any decision, recommendation, act or omission in respect of which there is, under any Act a right of appeal or objection or a right to apply for a review on the merits of the case to any court or tribunal constituted by or under an Act of the Legislature, whether or not that right of appeal, objection or application has been exercised in the particular case and whether or not any time prescribed for the exercise of that right has expired, unless the Ombudsman is satisfied that in the particular case it would have been unreasonable to expect the complainant to resort to the tribunal or court, but in that case investigation shall not commence until after the time prescribed for the exercise of that right to appeal, object or apply, has expired.

d) les décisions, recommandations, actions ou omissions qui, en vertu d'une disposition législative, sont assorties d'un droit d'appel, d'opposition ou du droit d'exiger une révision au mérite devant un tribunal établi en vertu d'une loi de la Législature, peu importe que ce droit d'appel, d'opposition ou de demande de révision ait été exercé en l'espèce ou qu'il soit prescrit; toutefois, l'ombudsman peut faire enquête s'il estime en l'espèce qu'il n'aurait pas été raisonnable de s'attendre que le plaignant recoure aux tribunaux, auquel cas il ne peut commencer son enquête qu'après l'expiration du délai d'appel, d'opposition ou de demande de révision.

Restriction on investigation by minister.
19(1) Where the Attorney-General certifies in writing to the Ombudsman that the investigation of a matter would be contrary to the public interest under the circumstances, the Ombudsman shall not investigate that matter, or, if he has commenced an investigation of that matter, he shall discontinue the investigation.

Pouvoir du ministre de limiter les enquêtes
19(1) Lorsque le procureur général atteste par écrit à l'ombudsman qu'une enquête pourrait, dans les circonstances, nuire à l'intérêt public, l'ombudsman doit renoncer à enquêter ou, s'il a commencé de le faire, doit cesser.

Report of certificate.
19(2) Where a certificate is given under subsection (1), the Ombudsman shall include that fact and a brief description of the circumstances of the matter in his next annual report to the Assembly.

Publicité de l'attestation
19(2) Lorsque le procureur général fait une attestation en vertu du paragraphe (1), l'ombudsman doit mentionner le fait et décrire brièvement les circonstances de l'espèce dans le premier rapport annuel qu'il adresse par la suite à l'Assemblée.

Questions relating to jurisdiction.
20 Where a question arises as to the jurisdiction of the Ombudsman to investigate any case or class of cases under this Act, he may apply to the Court of Queen's Bench for a declaratory order determining the question.

Détermination de la compétence
20 Lorsqu'il y a doute sur la compétence qu'a l'ombudsman de faire enquête sur une affaire ou dans une catégorie d'affaires en vertu de la présente loi, il peut demander à la Cour du Banc de la Reine une ordonnance déclaratoire à cet égard.

Complaints in writing.
21 Every complaint to the Ombudsman shall be made in writing.

Caractère écrit des plaintes
21 Les plaintes doivent être adressées par écrit à l'ombudsman.

Privacy of communication to Ombudsman.
22 Notwithstanding any Act, where a letter written by a person in custody on a charge or after conviction for an offence, or by an inmate in any hospital, mental hospital, home or institution operated by or under the direction of the government, or by any person in custody of another person for any other reason, is addressed to the

Caractère confidentiel de la correspondance
22 Malgré toute disposition législative, la correspondance écrite adressée à l'ombudsman par une personne incarcérée, qu'elle ait été ou non déjà condamnée, par le patient d'un hôpital, d'un hôpital psychiatrique, d'un foyer ou d'une institution géré par le gouvernement ou selon ses directives, ou encore la correspondance écrite

Ombudsman, it shall be forwarded immediately, unopened, to the Ombudsman by the person for the time being in charge of the place or institution where the writer of the letter is detained or in which he is an inmate, or by the person having custody of the writer.

adressée à l'ombudsman par une personne sous la garde d'une autre personne pour toute autre raison doit être acheminée immédiatement à son destinataire, sans être ouverte, par la personne responsable de l'établissement où l'expéditeur de la lettre est détenu ou dans lequel il est interné, ou enfin par la personne qui a la garde de l'expéditeur.

Refusal to investigate.

23(1) The Ombudsman, in his discretion, may refuse to investigate or may cease to investigate a complaint if

(a) it relates to any decision, recommendation, act or omission of which the complainant has had knowledge for more than one year before the complaint is received by the Ombudsman; or

(b) in his opinion it is frivolous or vexatious or not made in good faith or concerns a trivial matter; or

(c) in his opinion, upon a balance between the public interest and the person aggrieved, it should not be investigated or the investigation should not be continued; or

(d) in his opinion the circumstances of the case do not require investigation.

Refus d'enquêter

23(1) L'ombudsman peut, à sa discrétion, refuser d'enquêter ou mettre fin à une enquête relative à une plainte dans les cas suivants :

a) la plainte a trait à une décision, une recommandation, un acte ou une omission dont le plaignant a pris connaissance plus d'un an avant que la plainte ait été reçue par l'ombudsman;

b) l'ombudsman est d'avis que la plainte est frivole, vexatoire, qu'elle n'a pas été faite de bonne foi, ou encore que son objet n'est pas sérieux;

c) l'ombudsman est d'avis que malgré le préjudice causé à la personne, l'intérêt public commande que l'enquête n'ait pas lieu ou encore qu'elle cesse;

d) l'ombudsman est d'avis que les circonstances de l'affaire qui lui est soumise font que l'enquête n'est pas nécessaire.

Limitation on review of discretionary powers.

23(2) Where, in the course of or after an investigation of any decision, act or omission, done or omitted by a department or agency of the government, or any officer or employee thereof in the exercise of a discretion vested in that department, agency, officer, or employee, the Ombudsman is satisfied that the decision, act or omission is not clearly wrong or unreasonable, the Ombudsman shall make no further investigation of the matter and shall report to the complainant that he is so satisfied.

Limite du pouvoir d'enquêter sur l'exercice du pouvoir discrétionnaire

23(2) Lorsqu'au cours ou au terme d'une enquête sur une décision, sur un acte ou sur une omission d'un ministère, d'un organisme gouvernemental ou d'un de leurs cadres ou employés, survenus dans l'exercice d'un pouvoir discrétionnaire conféré à ces entités ou personnes, l'ombudsman doit renoncer à l'enquête s'il est convaincu que la décision, l'acte ou l'omission n'est pas manifestement erroné ou déraisonnable. Il doit faire part au plaignant de sa décision.

Report of refusal to investigate.

24 Where the Ombudsman decides not to investigate or to cease investigating a complaint he shall inform the complainant, and any other interested person, of his decision.

Communication du refus d'enquêter

24 Lorsque l'ombudsman décide de ne pas enquêter ou d'interrompre une enquête sur une plainte, il doit faire part de sa décision au plaignant et à toute personne concernée par l'affaire.

Notice of investigation.

25 Before investigating a complaint, the Ombudsman shall inform the deputy minister or the administrative head of the department or agency of the government affected of his intention to make the investigation.

Avis d'enquête

25 Avant de faire enquête pour donner suite à une plainte, l'ombudsman doit faire part de son intention d'enquêter au sous-ministre ou au responsable administratif du ministère ou de l'organisme gouvernemental concerné.

Private investigations.
26 Every investigation by the Ombudsman under this Act shall be conducted in private.

Hearings.
27 The Ombudsman may hold hearings and hear or obtain information from any person and make inquiries as he thinks fit.

Right to be heard.
28 The Ombudsman is not required to hold a hearing and no person is entitled, as of right, to be heard by the Ombudsman; but, if at any time it appears to the Ombudsman that there is sufficient grounds for his making a report or recommendation in respect of any matter that may adversely affect any department, agency of the government, or person, he shall give to that department, agency, or person, an opportunity to make representations in respect of the matter, and the department, agency, or person may make representations in respect of the matter by counsel.

Consultation with minister.
29(1) The Ombudsman may, at any time during or after an investigation, consult any minister who is concerned in the matter of the investigation.

Reference to deputy minister.
29(2) Where, during or after an investigation, the Ombudsman is of the opinion that there is evidence of a breach of duty or misconduct by a department or agency of the government or any officer or employee thereof, he shall refer the matter to the deputy minister or administrative head of the department or agency of the government.

Evidence.
30(1) Subject to section 31, the Ombudsman may require any person who, in his opinion, is able to give any information relating to any matter being investigated by him

(a) to furnish the information to him; and

(b) to produce any document, paper or thing that in his opinion relates to the matter being investigated and that may be in the possession or under the control of that person;

Huis clos
26 Les enquêtes effectuées par l'ombudsman en vertu de la présente loi sont tenues à huis clos.

Audiences
27 L'ombudsman peut, selon ce qu'il estime opportun, tenir des audiences, recevoir ou obtenir des renseignements de toute personne et faire enquête.

Droit d'être entendu
28 L'ombudsman n'est pas obligé de tenir des audiences et personne ne peut exiger d'être reçu en audience par l'ombudsman. Toutefois, si l'ombudsman estime qu'il dispose d'assez d'éléments pour faire un rapport ou une recommandation sur une question qui pourrait nuire à un ministère, à un organisme gouvernemental ou à une personne, il doit donner à ces derniers l'occasion de lui faire des représentations sur l'affaire concernée. Le ministère, l'organisme gouvernemental ou la personne peut alors faire ses représentations par l'intermédiaire d'un avocat.

Consultation du ministre
29(1) L'ombudsman peut, pendant ou après l'enquête, consulter un ministre concerné par l'objet de l'enquête.

Transmission au sous-ministre
29(2) Lorsque pendant ou après une enquête l'ombudsman estime qu'il a la preuve d'un manquement au devoir ou d'une mauvaise conduite d'un ministère, d'un organisme gouvernemental ou encore d'un de leurs cadres ou employés, il doit porter l'affaire à la connaissance du sous-ministre ou du responsable administratif du ministère ou de l'organisme gouvernemental.

Communication de la preuve
30(1) Sous réserve de l'article 31, l'ombudsman peut exiger de toute personne qui, à son avis, est en mesure de fournir un renseignement relatif à une affaire sous enquête :

a) qu'elle lui fournisse le renseignement;

b) qu'elle produise les documents qui, de l'avis de l'ombudsman, sont pertinents à l'objet de l'enquête et qui peuvent se trouver en possession ou sous la maîtrise de cette personne.

whether or not that person is an officer, employee or member of the department or agency of the government and whether or not the document, paper or thing is in the custody or under the control of a department or agency of the government.

Examination on oath.

30(2) The Ombudsman may summon before him and examine on oath

(a) any person who is an officer or employee or member of any department or agency of the government and who in the opinion of the Ombudsman is able to give any information relating to any matter being investigated by him;

(b) any complainant; and

(c) any other person who in the opinion of the Ombudsman is able to give any information relating to any matter being investigated by him.

Restrictions on disclosures.

31 Where the Attorney-General certifies that the giving of any information or the answering of any question or the production of any document, paper or thing might involve the disclosure of

(a) the deliberations of the Lieutenant Governor in Council, the Executive Council, or any committee thereof; or

(b) proceedings of the Lieutenant Governor in Council, the Executive Council, or any committee thereof; or

(c) matters of a secret or confidential nature, or the disclosure of which would be injurious to the public interest;

the Ombudsman shall not require the information or answer to be given or the document, paper or thing to be produced, but shall report the giving of the certificate and the matter in respect of which it was given in his next annual report to the Assembly.

Application of certain rules.

32(1) Subject to section 31, a rule of law that authorizes or requires the withholding of any document, paper or thing, or the refusal to answer any question, on the ground that the disclosure or answering would be injurious to the public interest does not apply in respect of any investigation by or proceedings before the Ombudsman.

L'ombudsman peut utiliser ce pouvoir à l'égard de toute personne, qu'elle soit ou non cadre, employée ou membre de l'organisme gouvernemental ou du ministère et que le document soit ou non en la possession ou sous la maîtrise d'un ministère ou d'un organisme gouvernemental.

Interrogatoire sous serment

30(2) L'ombudsman peut assigner à comparaître et interroger sous serment les personnes suivantes :

a) le cadre, employé ou membre d'un organisme gouvernemental ou d'un ministère qu'il estime en mesure de donner un renseignement pertinent à l'affaire sous enquête;

b) le plaignant;

c) toute autre personne qu'il estime en mesure de donner un renseignement relatif à l'affaire sous enquête.

Restrictions à la communication de renseignements

31 L'ombudsman ne peut exiger d'obtenir des renseignements, des réponses ou des documents lorsque le procureur général certifie que le fait de les fournir pourrait entraîner la divulgation :

a) des délibérations du lieutenant-gouverneur en conseil, du Conseil exécutif ou d'un de ses comités;

b) des travaux du lieutenant-gouverneur en conseil, du Conseil exécutif ou d'un de ses comités;

c) de questions de nature secrète, confidentielle ou dont la divulgation pourrait porter atteinte à l'intérêt public.

Toutefois, il doit faire mention du certificat et de l'affaire à laquelle il se rapporte dans le premier rapport qu'il adresse par la suite à l'Assemblée.

Application de certaines règles

32(1) Sous réserve de l'article 31, une règle de droit autorisant ou exigeant qu'on retienne un document ou qu'on refuse de répondre à une question au motif que la divulgation des renseignements concernés porterait préjudice à l'intérêt public, ne s'applique pas aux procédures se déroulant devant l'ombudsman ni aux enquêtes qu'il effectue.

Provisions relating to secrecy.
32(2) Subject to section 31, no provision of any Act of the Legislature requiring a person to maintain secrecy in relation to, or not to disclose information relating to, any matter shall apply in respect of an investigation by the Ombudsman; and no person required by the Ombudsman to furnish information or to produce any document, paper or thing or summoned by the Ombudsman to give evidence, shall refuse to furnish the information, produce the document, paper or thing, or to answer questions on the ground of any such provision.

Admissibility of evidence.
33 Except on the trial of a person for perjury, no statement made, or answer or evidence given by that or any other person in the course of an investigation by or any proceedings before the Ombudsman is admissible in evidence against any person in any court or at any inquiry or in any other proceedings, and no evidence respecting proceedings before the Ombudsman shall be given against any person.

Defence for certain offences.
34 No person is guilty of an offence against any other Act of the Legislature by reason of his compliance with any request or requirement of the Ombudsman to furnish information or produce any document, paper or thing, or by reason of answering any question in any investigation of the Ombudsman.

Right of entry.
35(1) For the purposes of this Act, the Ombudsman may at any time enter upon the premises occupied by any department or agency of the government and, subject to section 31, carry out therein any investigation within his jurisdiction.

Notice of entry.
35(2) Upon entering any premises under subsection (1), the Ombudsman shall notify the deputy minister or administrative head of the department or agency of the government that occupies the premises.

Dispositions relatives au secret
32(2) Sous réserve de l'article 31, les dispositions des lois de la Législature qui exigent le maintien du secret ou la rétention de renseignements ne s'appliquent pas aux enquêtes effectuées par l'ombudsman. Aucune personne ne peut invoquer ces dispositions pour refuser de fournir à l'ombudsman les renseignements ou les documents que celui-ci exige, ou encore pour refuser de répondre ou de fournir des éléments de preuve lorsqu'elle est assignée à témoigner par l'ombudsman.

Inadmissibilité de la preuve
33 Sauf dans les procès pour parjure, les déclarations, les réponses ou la preuve fournies par une personne au cours d'une enquête effectuée par l'ombudsman ou au cours d'une procédure devant ce dernier sont inadmissibles en preuve devant un tribunal ou au cours d'une enquête ou de toute autre procédure, et la preuve relative aux procédures devant l'ombudsman ne peut servir contre quiconque.

Défense pour certaines infractions
34 Nul n'est coupable d'une infraction à une autre loi de la Législature du fait d'avoir obtempéré à une demande de communication de renseignements ou de production de documents faite par l'ombudsman ou du fait d'avoir répondu à une question au cours d'une enquête de l'ombudsman.

Droit d'accès
35(1) Aux fins de la présente loi, l'ombudsman peut à tout moment accéder aux lieux qu'occupe un ministère ou un organisme gouvernemental pour y mener, sous réserve de l'artice 31, une enquête relevant de sa compétence.

Avis de visite
35(2) En accédant aux lieux visés au paragraphe (1), l'ombudsman doit aviser de sa visite le sous-ministre ou le responsable administratif du ministère ou de l'organisme gouvernemental qui occupe ces lieux.

Report on investigation.

36(1) Where, after making an investigation under this Act, the Ombudsman is of opinion

(a) that a decision, recommendation, act or omission that is the subject matter of the investigation appears to have been

(i) contrary to law, or

(ii) unreasonable, or

(iii) unjust, or

(iv) oppressive, or

(v) improperly discriminatory, or

(vi) in accordance with a practice or procedure that is or may be unreasonable, unjust, oppressive, or improperly discriminatory, or

(vii) based wholly or partly on a mistake of law or fact, or

(viii) wrong; or

(b) that in making a decision or recommendation, or in doing or omitting an act, a power or right has been exercised

(i) for an improper purpose, or

(ii) on irrelevant grounds, or

(iii) on the taking into account of irrelevant considerations; or

(c) that reasons should have been given for a decision, recommendation, act or omission that was the subject matter of the investigation;

the Ombudsman shall report his opinion and his reasons therefor to the appropriate minister and to the department or agency of the government concerned, and may make such recommendations as he thinks fit.

Nature of recommendations.

36(2) Without limiting the generality of subsection (1), in making a report under subsection (1), the Ombudsman may recommend

(a) that a matter should be referred to the appropriate authority for further consideration; or

(b) that an omission should be rectified; or

(c) that a decision should be cancelled or varied; or

Rapport d'enquête

36(1) Au terme d'une enquête menée en vertu de la présente loi, l'ombudsman doit faire rapport de ses conclusions et de ses motifs au ministre et au ministère ou organisme gouvernemental concerné et peut faire les recommandations qu'il juge appropriées, si au cours de son enquête il constate l'un ou l'autre des faits suivants :

a) la décision, la recommandation, l'acte ou l'omission qui fait l'objet de l'enquête semble, selon le cas :

(i) être contraire à la loi,

(ii) être déraisonnable,

(iii) être injuste,

(iv) être de nature oppressive,

(v) être indûment discriminatoire,

(vi) résulter d'un usage ou d'un procédé qui est ou pourrait être déraisonnable, injuste, de nature oppressive ou indûment discriminatoire,

(vii) être fondé en tout ou partie sur une erreur de droit ou de fait,

(viii) être erroné;

b) lors de la prise de décision, de la formulation d'une recommandation ou lors de l'accomplissement ou de l'omission d'un acte, un pouvoir ou un droit a été exercé dans l'une ou l'autre des circonstances suivantes :

(i) le but poursuivi était inapproprié,

(ii) l'exercice du pouvoir ou du droit n'avait pas de fondement pertinent,

(iii) l'exercice du pouvoir ou du droit s'est fait compte tenu de considérations non pertinentes;

c) la décision, la recommandation, l'acte ou l'omission qui fait objet de l'enquête aurait dû être motivé.

Nature des recommandations

36(2) Sans préjudice de la généralité du paragraphe (1), dans le rapport prévu au même paragraphe, l'ombudsman peut faire des recommandations ayant les objets suivants :

a) une question devrait être transmise à l'autorité compétente pour qu'elle effectue un examen plus approfondi de cette question;

b) une omission devrait être réparée;

c) une décision devrait être annulée ou modifiée;

(d) that any practice on which a decision, recommendation, act or omission was based should be altered or reviewed; or
(e) that any law on which a decision, recommendation, act or omission was based should be reconsidered; or
(f) that reasons should be given for any decision, recommendation, act or omission; or
(g) that any other steps should be taken.

Notice of proposed steps.
37(1) Where the Ombudsman makes a recommendation under section 36, he may request the department or agency of the government to notify him within a specified time of the steps that it has taken or proposes to take to give effect to his recommendations.

Further report on recommendations.
37(2) If within a reasonable time after a request respecting recommendations is made under this section, no action is taken which seems to the Ombudsman to be adequate and appropriate, the Ombudsman, in his discretion, after considering the comments, if any, made by or on behalf of the department or agency of the government affected, may report the matter, including a copy of the report containing the recommendations, to the Lieutenant Governor in Council, and may thereafter mention the report in his next annual report to the Assembly.

Comments included in report.
37(3) Any report made under subsection (2) shall include any comments made by or on behalf of the department or agency of the government upon the opinion or recommendation of the Ombudsman.

Report to complainant.
38 Where the Ombudsman makes an investigation on the basis of a complaint received by him, he shall report to the complainant, in such manner and at such time as he thinks proper, the result of the investigation.

d) l'usage qui aboutit à une décision, une recommandation, un acte ou une omission devrait être modifié ou réformé;
e) une loi sur laquelle se fonde une décision, une recommandation, un acte ou une omission devrait être réexaminée;
f) une décision, une recommandation, un acte ou une omission devrait être motivé;
g) toute autre mesure devrait être prise.

Rapport relatif aux mesures prises
37(1) Lorsqu'il a fait une recommandation en vertu de l'article 36, l'ombudsman peut exiger du ministère ou de l'organisme gouvernemental concerné qu'il lui fasse rapport dans un délai donné des mesures qu'il a prises ou qu'il se propose de prendre pour donner suite à la recommandation.

Rapport à une instance supérieure
37(2) Si dans un délai raisonnable après la demande formulée en vertu du paragraphe (1) par l'ombudsman, ce dernier estime qu'aucune mesure adéquate n'a été prise, il peut, à sa discrétion et après avoir pris en considération les éventuels commentaires présentés en leur nom par le ministère ou l'organisme gouvernemental concerné, faire rapport de l'affaire au lieutenant-gouverneur en conseil en lui adressant également une copie du rapport contenant les recommandations. L'ombudsman peut en outre faire mention de ce rapport dans le premier rapport annuel qu'il présente par la suite à l'Assemblée.

Commentaires apparaissant au rapport
37(3) Le rapport établi en vertu du paragraphe (2) doit contenir les commentaires faits par le ministère ou l'organisme gouvernemental, ou faits en leur nom sur l'opinion ou les recommandations de l'ombudsman.

Rapport au plaignant
38 Lorsque l'ombudsman fait enquête à partir d'une plainte qui lui a été adressée, il doit faire rapport au plaignant des résultats de l'enquête, de la manière et dans les délais qu'il juge appropriés.

Review of Ombudsman's decision.
39 No proceeding of the Ombudsman is void for want of form and, except on the ground of lack of jurisdiction, no proceedings or decisions of the Ombudsman shall be challenged, reviewed, quashed or called in question in any court.

Proceedings against Ombudsman prohibited.
40 No proceedings lie against the Ombudsman or against any person employed under him for anything he may do or report or say in the course of the exercise or performance, or intended exercise or performance of his functions and duties under this Act, unless it is shown he acted in bad faith.

Ombudsman not to be called as witness.
41 The Ombudsman and any person employed under him shall not be called to give evidence in any court or in any proceedings of a judicial nature in respect of anything coming to his knowledge in the exercise or performance of his functions and duties under this Act.

Annual report to Legislature.
42 The Ombudsman shall report annually to the Assembly through the Speaker on the exercise and performance of his functions and duties under this Act.

Publication of reports.
43 In the public interest, or in the interest of a person, department or agency of the government, the Ombudsman may publish reports relating generally to the exercise and performance of his functions and duties under this Act or to any particular case investigated by him, whether or not the matters to be dealt with in the report have been the subject of the report made to the Assembly under this Act.

Rules.
44(1) The Assembly may make general rules for the guidance of the Ombudsman in the exercise and performance of his functions and duties under this Act.

Procedure of Ombudsman.
44(2) Subject to this Act and any rules made under subsection (1), the Ombudsman may determine his procedure.

Appel des décisions de l'ombudsman
39 Aucune procédure de l'ombudsman n'est nulle pour vice de forme et, sauf dans les cas d'absence de compétence, les procédures ou décisions de l'ombudsman ne peuvent être contestées, révisées, annulées ou remises en question devant un tribunal.

Immunité de l'ombudsman
40 Ni l'ombudsman ni ses employés ne peuvent être poursuivis en raison des actes accomplis, rapports établis ou paroles prononcées dans l'exercice effectif ou censé tel des fonctions qui leur sont conférées en vertu de la présente loi, à moins qu'on ne prouve qu'ils ont agi de mauvaise foi.

Contraignabilité de l'ombudsman
41 Ni l'ombudsman ni ses employés ne peuvent être appelés à témoigner devant un tribunal ou lors d'une procédure de nature judiciaire relativement à des faits portés à leur connaissance dans le cadre de l'exercice des fonctions qui leur sont conférées en vertu de la présente loi.

Rapport annuel à la Législature
42 L'ombudsman doit faire rapport chaque année à l'Assemblée, par l'intermédiaire de l'orateur, de l'exercice des fonctions qui lui sont conférées en vertu de la présente loi.

Publication des rapports
43 Lorsqu'il s'agit de l'intérêt public ou de l'intérêt d'une personne, d'un ministère ou d'un organisme gouvernemental, l'ombudsman peut publier des rapports concernant, en général, l'exercice des fonctions qui lui sont conférées en vertu de la présente loi ou relatifs à un cas particulier sur lequel il a fait enquête, que les affaires en question aient été ou non mentionnées dans le rapport fait à l'Assemblée en vertu de la présente loi.

Règles
44(1) L'Assemblée peut établir des règles générales de nature à guider l'ombudsman dans l'exercice des fonctions qui lui sont conférées en vertu de la presente loi.

Procédure devant l'ombudsman
44(2) Sous réserve des autres dispositions de la présente loi et des règles établies en vertu du paragraphe (1), l'ombudsman peut établir les procédures relatives à l'exercice de ses fonctions.

Offence and penalty.

45 Every person who

(a) without lawful justification or excuse wilfully obstructs, hinders, or resists the Ombudsman or any other person in the exercise or performance of his functions and duties under this Act; or

(b) without lawful justification or excuse refuses or wilfully fails to comply with any lawful requirement of the Ombudsman or any other person under this Act; or

(c) wilfully makes any false statement to or misleads or attempts to mislead the Ombudsman or any other person in the exercise or performance of his functions and duties under this Act;

is guilty of an offence and liable, on summary conviction, to a fine of not more than $500. or to imprisonment for a term not exceeding three months, or to both.

Additional remedies.

46 The provisions of this Act are in addition to the provisions of any other Act or rule of law under which any remedy or right of appeal or objection is provided for any person, or any procedure is provided for the inquiry into or investigation of any matter, and nothing in this Act limits or affects any such remedy or right of appeal or objection or procedure.

Infractions et peines

45 Commet une infraction et se rend passible, sur déclaration sommaire de culpabilité, d'une amende maximale de 500 $ et d'un emprisonnement maximal de trois mois, ou de l'une de ces peines, quic nque :

a) volontairement et sans justification ni excuse légitime gêne, oppose une résistance ou fait obstruction à l'exercice des fonctions que la présente loi confère à l'ombudsman ou à toute autre personne;

b) sans justification ni excuse légitime refuse ou omet volontairement d'obéir à une exigence licite de l'ombudsman ou d'une autre personne dans le cadre de la présente loi;

c) fait volontairement de fausses déclarations pour induire en erreur ou tenter d'induire en erreur l'ombudsman ou toute autre personne dans l'exercice des fonctions que la présente loi lui confère.

Recours supplémentaires

46 Les dispositions de la présente loi complètent les dispositions de toute autre loi ou règle de droit qui prévoit un recours, un droit d'appel ou d'objection ou encore une procédure de recherche ou d'enquête sur quelque sujet que ce soit. La présente loi n'a pas pour effet de limiter ou de porter atteinte à ces recours, droits d'appel ou d'objection et autres procédures.

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